

EXHIBIT C

1

2 SUPREME COURT OF THE STATE OF NEW YORK
3 COUNTY OF NEW YORK

4 -----X
5 THOMAS HARTMANN,

6

PLAINTIFF,

7

CV-04-1784 (ILG) (CLP)

8

-against-

9

10 THE COUNTY of NASSAU, NASSAU COUNTY POLICE
11 DEPARTMENT, POLICE OFFICER KARL L. SNELDERS,
12 POLICE OFFICER MICHAEL KNATZ, DEPUTY INSPECTOR
13 ROBERT TURK, LIEUTENANT THOMAS ZAMOJCIN, POLICE
14 OFFICER KEVIN W. SMITH, POLICE OFFICER PHILIP
15 BRADY, DETECTIVE BARRY O. FRANKLIN, POLICE
16 OFFICER THOMAS O. McCAFFREY and "JOHN and JANE
17 DOES 1-15" representing as yet unknown and
18 unidentified police officers,

19

DEFENDANTS.

20 -----X

21

22 DATE: May 25, 2005

23

TIME: 11:55 a.m.

24

25

26 EXAMINATION BEFORE TRIAL of the Defendant,
27 MICHAEL KNATZ, taken by the Plaintiff, pursuant to
28 a Court Order, held at the offices of Daniel J.
29 Hansen, Esq., 233 Broadway, New York, New York
30 10279, before a Notary Public of the State of New
31 York.

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2 A P P E A R A N C E S:

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4 DANIEL J. HANSEN, ESQ.
Attorney for the Plaintiff
5 233 Broadway
New York, New York 10279
6

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LORNA B. GODDMAN, NASSAU COUNTY ATTORNEY
Attorney for the Defendants
8 THE COUNTY of NASSAU, NASSAU COUNTY
9 POLICE DEPARTMENT, POLICE OFFICER KARL
L. SNELDERS, POLICE OFFICER MICHAEL
10 KNATZ, DEPUTY INSPECTOR ROBERT TURK,
LIEUTENANT THOMAS ZAMOJCIN, POLICE
11 OFFICER KEVIN W. SMITH, POLICE OFFICER
PHILIP BRADY, DETECTIVE BARRY O. FRANKLIN,
12 POLICE OFFICER THOMAS O. McCAFFREY
One West Street
13 Mineola, New York 11501
BY: BETHANY O'NEILL,
14 DEPUTY COUNTY ATTORNEY

15

16 ALSO PRESENT:

17 CARL SANDEL,
DEPUTY COUNTY ATTORNEY
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2 F E D E R A L S T I P U L A T I O N S

3

4 IT IS HEREBY STIPULATED AND AGREED

5 By and between the counsel for the respective
6 parties hereto, that the filing, sealing, and
7 certification of the within deposition shall
8 Be and the same are hereby waived;

9

10 IT IS FURTHER STIPULATED AND AGREED

11 That all objections, except as to the form
12 Of the question, shall be reserved to the times
13 Of the trial.

14

15 IT IS FURTHER STIPULATED AND AGREED

16 That the within deposition may be signed before
17 Any Notary Public with the same force and effect
18 As if signed and sworn to before this court.

19

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21 * * * *

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25

1 KNATZ

2 M I C H A E L K N A T Z, called as a witness,
3 having been first duly sworn by a Notary Public of
4 the State of New York, was examined and testified
5 as follows:

6 EXAMINATION BY

7 MR. HANSEN:

8 Q. Please state your name and business
9 address for the record.

10 A. Michael Knatz, 1490 Franklin Avenue,
11 Mineola, New York 11501.

12 Q. Officer Knatz, my name is Daniel
13 Hansen. I represent Thomas Hartmann with respect
14 to an incident that occurred on March 4, 2004.

15 I will ask you a number of questions
16 concerning your status as a police officer and any
17 involvement that you may have had in the incident
18 of March 12, 2004.

19 If at any point in time during
20 today's deposition you can't understand any of my
21 questions, let me know, I will rephrase the
22 question so that there is an understanding between
23 us, okay.

24 A. Yes.

25 Q. How long have you been a police

1 KNATZ

2 officer?

3 A. Approximately eighteen years.

4 Q. Since 1987?

5 A. Yes. 1988?

6 MS. O'NEILL: Before you continue, I
7 just want to note for the record that we have
8 appeared for this deposition at 10:00 a.m. It
9 is now 10 to 12:00. The reporter who previously
10 appeared, Donna Marie Artale, was replaced by
11 the current reporter due to a mechanical defect
12 in her machine. We have been sitting here since
13 approximately 10:20 with this witness giving
14 testimony at this deposition.

15 I believe the prior reporter became aware at
16 close to 12:00 that her machine was not working,
17 possibly was not able to take down all of the
18 testimony that Michael Knatz has already given
19 in this matter. So we are starting fresh with a
20 new Court Reporter based on the understanding
21 that the prior testimony was not reported. We
22 are starting new with about an hour's worth of
23 testimony that has already been given.

24 Q. What was your first assignment out of
25 the police academy?

1 KNATZ

2 A. Nassau County Police Department,
3 Fifth Precinct.

4 Q. Were you a police officer in the
5 Fifth Precinct?

6 A. Yes.

7 Q. How long did you remain a police
8 officer in the Fifth Precinct?

9 A. Approximately five years.

10 Q. At some point in time after that five
11 years, did you transfer, take another position
12 within the Police Department?

13 A. Yes.

14 Q. Where did you go?

15 A. Bureau of Special Operations.

16 Q. That is called the B.S.O.

17 A. Bureau of Special Operations, that's
18 short for it.

19 Q. What were your duties and
20 responsibilities as a B.S.O. officer as of March
21 2004?

22 A. We are the Nassau County Police
23 Department technical team referred to as a SWAT
24 team. We are a plain-clothes unit that assists
25 various squads throughout the Police Department

1 KNATZ

2 including the robbery squad, burglary squad, cap
3 squad, S-I-S, homicide squad.

4 Q. Did you remain a B.S.O. officer from
5 April of '93 until March 2004?

6 A. Yes.

7 Q. Did you have a regular partner while
8 being a B.S.O. officer?

9 A. Excuse me?

10 Q. As a B.S.O. officer, did you have a
11 regular partner?

12 A. What time period?

13 Q. As of March 2004?

14 A. Yes.

15 Q. Who was your partner then?

16 A. Michael Capobianco,
17 C-A-P-O-B-I-A-N-C-O.

18 Q. How long had you been partners with
19 Officer Capobianco?

20 A. I don't know exactly.

21 Q. Approximately?

22 A. A short period of time.

23 Q. Who was your partner before Officer
24 Capobianco?

25 A. Nicholas Squicciarni,

1 KNATZ

2 S-Q-U-I-C-C-I-A-R-N-I .

3 Q. Who else were you partners with
4 before then?

5 A. Anthony Boncosky.

6 Q. What period were you partners with
7 Officer Boncosky?

8 A. I don't remember.

9 Q. For a year, two years?

10 A. Approximately a year and a half to
11 two and a half years.

12 Q. What about Officer Capobianco, how
13 long were you his partner at that point in time?

14 A. I don't know.

15 Q. Was it a year, more, less,
16 approximately?

17 A. I don't know. It would be a guess.
18 Michael Capobianco is my partner now. We have
19 been partners for a little over a year.

20 Q. As of March 12, 2004, did you work
21 any particular shift that day?

22 A. Yes.

23 Q. What shift did you work?

24 A. 8:30 to 1630.

25 Q. Where did you report to duty that

1 KNATZ

2 day?

3 A. Nassau County Police Department,
4 Fifth Precinct.

5 Q. Were you stationed primarily out of
6 the Fifth?

7 A. Yes.

8 Q. Did you report there generally on a
9 day to day basis, the Fifth Precinct?

10 A. Yes.

11 Q. Is that where, generally, you
12 received your assignments?

13 A. That would depend.

14 Q. Before giving testimony here today,
15 did you review any documents, listen to any
16 recordings or review any photos?

17 A. Yes.

18 Q. When did you last look at any types
19 of materials pertaining to this case?

20 A. Yesterday.

21 Q. Who were you when you reviewed those
22 materials?

23 A. Carl and Beth.

24 Q. Those are the two attorneys sitting
25 here today?

1 KNATZ

2 A. Yes.

3 Q. What did you look at yesterday?

4 A. Photographs.

5 Q. Anything other than photographs?

6 A. I don't recall.

7 Q. Had you, prior to yesterday, did you
8 meet with the county attorneys at all on other
9 occasions?

10 A. Yes.

11 Q. Approximately how many occasions?

12 A. It would be a guess.

13 MS. O'NEILL: Don't guess.

14 Q. Your best estimate. Would it be four
15 to five times?

16 A. Approximately four to five times.

17 Q. During those four to five meetings
18 with the County Attorney's office, did you review
19 various documents relating to the March 12, 2004,
20 incident?

21 A. Yes.

22 Q. What types of documents or what
23 documents did you look at?

24 A. Arrest paperwork, photographs.

25 Q. Anything else?

1 KNATZ

2 A. That is all that I can recall right
3 now.

4 Q. At any point in time, have you ever
5 reviewed any portions of the testimony of Officer
6 Snelders or Inspector Turk?

7 A. What testimony?

8 Q. Deposition or other testimony given
9 by any other of those individuals?

10 A. No.

11 Q. Have you spoken with Officer Snelders
12 within the past week or two?

13 A. Yes.

14 Q. When did you last speak with Officer
15 Snelders?

16 A. Probably within this last week.

17 Q. What did he say to you, what did you
18 say to him?

19 A. Exactly, I couldn't tell you.

20 Q. Sum and substance?

21 A. Generally?

22 Q. Yes.

23 A. He told me there was a pizza place
24 around here to eat lunch. Told me the train was
25 crowded coming in.

1 KNATZ

2 Q. Did you discuss any portion of his
3 testimony?

4 A. No.

5 Q. Did you discuss any part of what your
6 testimony was going to be?

7 A. No.

8 Q. Have you had any communications with
9 Inspector Turk in the past two weeks?

10 A. Yes.

11 Q. When did you last have communication
12 or contact with Inspector Turk?

13 A. Within the last couple of days.

14 Q. How did that arise?

15 A. He called.

16 Q. He called you?

17 A. Actually, I was speaking to my B.S.O.
18 office. They said "hold on, Inspector wants to
19 talk to you."

20 Q. What was the sum and substance of
21 that conversation?

22 A. Enjoy your train ride into the city.

23 Q. The inspector got on the phone to
24 tell you just to enjoy the train ride?

25 MS. O'NEILL: Note my objection to

1 KNATZ

2 form.

3 Q. Nothing else?

4 MS. O'NEILL: Note my objection to
5 form.

6 Q. Other than the inspector telling you
7 to enjoy your day in the city today, did he say
8 anything else to you?

9 A. Yes.

10 Q. What else did he say?

11 A. Good luck.

12 Q. Anything else?

13 A. I don't remember exactly.

14 Q. Nothing about a pizza place?

15 A. He didn't mention pizza.

16 Q. Have you spoken with anybody else in
17 relation to today's deposition?

18 A. Beth and Carl.

19 Q. Other than the inspector, Officer
20 Snelders and the two attorneys?

21 A. And that was what time period are we
22 talking about?

23 Q. In the past month?

24 A. Oh, boy. Past month? Yes.

25 Q. Who have you spoken with?

1 KNATZ

2 A. Lieutenant Mulrain, Police Officer
3 John O'Neill.

4 Q. Anybody else?

5 A. Not that I recall right now.

6 Q. When did you speak with Officer
7 O'Neill?

8 A. Yesterday.

9 Q. What was the sum and substance of the
10 conversation then?

11 A. Mike just called to remind you have
12 to meet with the county attorneys at 3:00.

13 Q. When did you speak with Lieutenant
14 Mulgrain?

15 A. Last -- I believe it was last
16 Thursday.

17 Q. What was the occasion that you spoke
18 with the lieutenant?

19 A. We had turn-out. He told me I have
20 court in the city. This deposition in Manhattan.

21 Q. Anything else that was discussed with
22 Lieutenant Mulrain?

23 A. Just general conversation.

24 Q. Prior to coming here today, between
25 March 12th and today, did you review any

1 KNATZ

2 photographs or any documents with any of the other
3 officers in B.S.O. or other officers or employees
4 of the Nassau County Police Department?

5 MS. O'NEILL: Regarding this
6 incident?

7 MR. HANSEN: Regarding this
8 incident, right.

9 A. That would be March 12th of what year?

10 Q. Of 2004?

11 A. Last year?

12 Q. Yes. In the past year and two months
13 have you reviewed any of the paperwork,
14 photographs recordings or any materials related to
15 this case with any officers employees or members
16 of the Nassau County Police Department?

17 A. Yes.

18 Q. What did you review with whom?

19 A. Exactly, I can't tell you. There are
20 my supervisors, there are other detectives, bosses
21 who process the arrest.

22 Q. In the past year or since the
23 beginning of the year, have you reviewed any
24 paperwork or documents or other materials relating
25 to the March 12, 2004 incident with any other

1 KNATZ

2 members of the Police Department or employees of
3 the Police Department?

4 A. I am not sure I understand what you
5 are asking.

6 Q. Let me ask you this way. There are a
7 number of different documents and materials
8 relating to this case including arrest reports,
9 photographs and recordings.

10 A. Yes.

11 Q. Have you reviewed any of those types
12 of documents with any other members of the Nassau
13 County Police Department or its employees in the
14 past six months?

15 A. The part I didn't understand, when
16 you say "review," what do you mean by that?

17 Q. Look at the documents in the presence
18 or discuss the documents with any other employees
19 or members of the Police Department.

20 A. Yes.

21 Q. In the past six months, when was the
22 last time that you had any contact with any member
23 or officer of the Police Department concerning the
24 documents or materials in this particular case?

25 A. Well, with the attorneys here over

1 KNATZ

2 the past several weeks.

3 Q. Did you review or discuss any of
4 those documents with anybody other than the
5 attorneys? Any of your co-workers, Officer
6 Snelders, Inspector Turk, Lieutenant Mulrain,
7 Sergeant Carny or anyone else that you worked
8 with?

9 A. Again, I am not sure.

10 Q. For the past six months?

11 A. Did, I sit down with them and
12 together did we look at documents?

13 Q. Did you sit down with them, discuss
14 documents, the case or anything?

15 A. I discussed the case with the
16 attorneys, yes. With other police officers
17 present, yes.

18 Q. What other police officers were
19 present when you spoke with these attorneys?

20 A. Carl Snelders.

21 Q. Was Officer Snelders present during
22 all the meetings with the attorneys?

23 A. No.

24 Q. On how many of the meetings with the
25 attorneys was Officer Snelders present?

1 KNATZ

2 A. I can't give you an exact number.

3 Q. Was Officer Snelders present with the
4 attorneys with the meeting yesterday?

5 A. No.

6 Q. Did you ever meet or discuss this
7 case with Officer Snelders outside of the presence
8 of the county attorneys?

9 A. The attorneys were not there during
10 the date of the incident.

11 Q. Other than that. Other than March
12 12, 2004, have you ever discussed the facts and
13 circumstances of the March 12, 2004 incident with
14 Officer Snelders outside the presence of the
15 attorneys?

16 A. Yes.

17 Q. When was the last time that you spoke
18 with Officer Snelders about the facts on that day,
19 what happened that day?

20 A. I can't tell you exactly.

21 Q. Approximately is fine.

22 A. I can't tell you exactly.

23 Q. On how many occasions have you spoken
24 with Officer Snelders about the facts or what
25 happened that day on the 12th?

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2

A. I can't give you a number.

3

Q. Was it more than once?

4

A. I don't recall.

5

Q. What did you discuss with Officer

6

Snelders?

7

A. I recall talking to Carl.

8

Q. Carl Snelders?

9

A. Yes. We had to get together with the

10

county attorneys to meet with them at the

11

location.

12

Q. Did you go to the location where you

13

met with the county attorneys with Officer

14

Snelders?

15

A. No, I met him there.

16

Q. Before you met with the county

17

attorneys, did you talk with Officer Snelders

18

about the case or the facts surrounding what

19

happened on March 12th?

20

A. On the day of the incident, yes.

21

Q. So you spoke with him on the 12th,

22

right?

23

A. 12th of what?

24

Q. March.

25

A. Yes.

1 KNATZ

2 Q. I will see if I can give you further
3 questions.

4 Did you speak with Officer Snelders
5 on any days other than March 12, 2004.

6 A. Did I speak with him, sure.

7 Q. Did you speak with him about the
8 incident of March 12, 2004, on any occasions other
9 than March 12, 2004?

10 A. Yes.

11 Q. When was the last time that you spoke
12 with him about what happened on March 12, 2004?

13 A. I am not sure exactly what you are
14 asking.

15 Did we sit down and discuss what
16 happened?

17 Q. Did you talk to him in passing, did
18 you talk to him on the phone, written
19 communications with him about what happened that
20 day when you were with him on the 12th?

21 A. I had started to tell you before, I
22 recall talking to Carl because we had to arrange
23 to meet with the attorneys.

24 Q. Where did you talk to him?

25 A. Probably at turn-out, but I am not

1 KNATZ

2 exactly sure.

3 Q. Did you talk about what had happened
4 on the 12th of March of 2004?

5 A. No.

6 Q. Have you ever spoken with Officer
7 Snelders about what had happened on March 12,
8 2004, other than on that particular date of March
9 12th?

10 A. It is possible but I don't recall.

11 Q. Have you spoken with any other
12 officers or members of the Nassau County Police
13 Department about what happened on March 12, 2004,
14 other than on March 12th, other than having
15 conversations with those people on March 12th?

16 A. Yes.

17 Q. Who else have you spoken with about
18 the incident or the facts surrounding this
19 incident of March 12, 2004 on those other
20 occasions?

21 A. Police Officers in B.S.O., bosses in
22 B.S.O.

23 Q. Who did you speak with and about
24 what?

25 A. Well, after March 12th we were doing

1 KNATZ

2 paperwork related to this case. It was after
3 midnight so it would be March 13th. More or less
4 a continuation. Spoke to the same people on March
5 12th as I would have after midnight on March 13th.

6 Q. Did you speak with anyone from the
7 Police Department after March 13th, about the
8 incident that occurred on March 12th?

9 A. Yes.

10 Q. Who did you speak with next?

11 A. I don't have specifics. B.S.O.
12 police officers asked me what happened.

13 Q. You told them?

14 A. Yes.

15 Q. Were you ever assigned Officer
16 Snelders, as his partner, for any particular duty
17 or assignment after March 12, 2004?

18 A. No.

19 Q. Did you work with Officer Snelders on
20 any particular task forces or jobs after March 12,
21 2004, where you had contact with him?

22 A. Yes.

23 Q. On how many occasions?

24 A. I couldn't tell you.

25 Q. Do you know if Officer Snelders has

1 KNATZ

2 any nicknames?

3 A. Carl.

4 Q. How about The Hammer?

5 A. No.

6 Q. Have you ever heard him being called
7 The Hammer?

8 A. No.

9 Q. On March 12, 2004, what equipment
10 were you carrying?

11 A. Pistol, handcuffs, police vest or
12 bulletproof vest, magazine for my gun, handcuffs
13 key for my handcuffs.

14 Q. And a badge?

15 A. Shield.

16 Q. A shield. What type of gun was it?

17 A. Sig Saure, 9 millimeter.

18 Q. Where did you have that weapon on
19 your body on March 12, 2004, where was it kept?

20 A. In my holster.

21 Q. What side or part of your body?

22 A. Right-hand side.

23 Q. Your hip?

24 A. On my belt.

25 Q. Are you right- or left-handed?

1 KNATZ

2 A. Right-handed.

3 Q. Where was your badge kept on that
4 day?

5 A. Around my neck.

6 Q. On a chain?

7 A. On a black rope.

8 Q. Was your badge, on that date, kept
9 inside of your shirt like it is now, or outside of
10 your shirt or some combination?

11 A. Both.

12 Q. What occasions would the badge be
13 outside your shirt, what occasions would it be
14 inside of your shirt?

15 A. It would be inside while I am sitting
16 inside the police car. It would come out prior to
17 exiting the police car.

18 Q. Would it come out just prior to your
19 exiting the police car, the badge?

20 A. It would be before that.

21 Q. When you were with Officer Snelders
22 when you met with the county attorneys, did you
23 speak with Officer Snelders about what had
24 happened on March 12th, 2004?

25 A. No.

1 KNATZ

2 Q. When you arrived at work on March 12,
3 2004, where did you report?

4 A. Nassau County Police Department,
5 Fifth Precinct.

6 Q. How long had you been reporting to
7 the Fifth Precinct as a B.S.O. officer?

8 A. Since approximately April of 1993.

9 Q. Who was your sergeant on March 12,
10 2004?

11 A. Sergeant Carny, C-A-R-N-Y.

12 Q. Who was the lieutenant that day?

13 A. Lieutenant Mulrain.

14 Q. Did the B.S.O. have more than one
15 squad as of March 4, 2004?

16 A. Yes.

17 Q. A squad A and a B squad?

18 A. Yes.

19 Q. What squad were you in?

20 A. B squad.

21 Q. Is that the same squad that Officer
22 Snelders was in?

23 A. Yes.

24 Q. At that point in time, was the A
25 squad on day tours, as of the week of March 12th?

1 KNATZ

2 A. No.

3 Q. How was the work of the two different
4 squads separated? In other words, was the A squad
5 responsible for any particular geographical area
6 of the county, B squad responsible for another
7 area, or something else?

8 How was the work divided between the
9 two squads.

10 A. Whatever shift you are working, you
11 were assigned whatever work comes up.

12 Q. Did you work with A squad officers on
13 that day?

14 A. In the morning?

15 Q. Yes, on the day tour of March 12,
16 2004, were you working with any A squad officers?

17 A. No. B squad tour in the morning.

18 Q. When did the A squad work, on that
19 day, if at all?

20 A. Night tours.

21 Q. When you reported to the Fifth
22 Precinct on the morning of March 12, 2004, did you
23 have a police vehicle with you that you took to
24 work?

25 A. Yes.

1 KNATZ

2 Q. From your home?

3 A. Yes.

4 Q. After you got to the Fifth Precinct,
5 did you receive an assignment?

6 A. Yes.

7 Q. What was your assignment once you
8 arrived or shortly after you arrived at the Fifth
9 Precinct?

10 A. Assignment was to go to the B.S.O.
11 office in Westbury.

12 Q. At some point in time did you go to
13 the B.S.O. office in Westbury?

14 A. Yes.

15 Q. When did you go there?

16 A. Exactly what time I arrived, I don't
17 know.

18 Q. Approximately?

19 A. Late morning, early afternoon.

20 Q. Did you arrive there alone?

21 A. Yes.

22 Q. Did you have any other assignments or
23 did you have any assignments to perform any police
24 work, from the time that you arrived at the Fifth
25 Precinct, until the time that you arrived in the

1 KNATZ

2 B.S.O. office a little bit later that day?

3 A. I do not recall.

4 Q. Was there any roll call or turn-out
5 at the B.S.O. office at Westbury, once you arrived
6 that day, after you were assigned from the Fifth?
7 Did you have a meeting or an assignment or
8 something else when you arrived at that location?

9 A. Yes, we had a lot of different
10 questions about roll call assignments.

11 Q. What happened when you got to the
12 B.S.O. office in Westbury, if anything?

13 A. I was assigned to try to locate
14 Thomas Hartmann.

15 Q. Who gave you the assignment?

16 A. Sergeant John Carny.

17 Q. What were the particulars of your
18 assignment?

19 A. To try to locate Thomas Hartmann.

20 Q. Were you told why you were trying to
21 locate Thomas Hartmann?

22 A. Yes.

23 Q. What were you told about Thomas
24 Hartmann?

25 A. To locate him and arrest him.

1 KNATZ

2 Q. For what reason? Was there a
3 warrant, something else, why were you told to
4 arrest him, do you know?

5 A. Yes.

6 Q. What were you told?

7 A. That he had threatened to kill his
8 wife, and police officers from the Nassau County
9 Police Department.

10 Q. Do you know what type of charges you
11 were attempting to arrest Mr. Hartmann on;
12 misdemeanor, a felony or something else?

13 A. The exact charges, I do not know what
14 the exact charges were.

15 Q. Do you know the level of the offense
16 of the charges, whether they were misdemeanor,
17 misdemeanor violations or felonies or something
18 else?

19 A. I don't know the exact charges.

20 Q. Did you know if they were felonies?

21 A. I do not know the exact charges.

22 Q. What other information, if anything,
23 were you given about Thomas Hartmann when you were
24 given the assignment?

25 A. That he was violent, good chance he

1 KNATZ

2 had a gun, out of control, had shot up his house,
3 had threatened to kill his wife, had used knives
4 in the past, and was considered extremely
5 dangerous.

6 Q. Were you given any handouts or
7 bulletins or other information that was either
8 printed or written concerning Mr. Hartmann?

9 A. Yes.

10 Q. What were you given?

11 A. His photograph.

12 Q. Were you given a copy of his
13 photograph or just shown it or something else?

14 A. I received a copy of his photograph.

15 Q. How many copies of his photograph
16 that were distributed, that you saw?

17 A. I didn't count.

18 Q. Were you given any other documents or
19 paperwork, other than Mr. Hartmann's photograph?

20 A. I am not exactly-- I know what you
21 are asking. I am not exactly sure if I received a
22 separate printout of a vehicle that he was
23 supposed to be driving or that information was on
24 the photo that we had of Thomas Hartmann.

25 Q. Anything other than that? Any other

1 KNATZ

2 documents or information that was handed to you or
3 provided to you?

4 A. Not that I recall.

5 Q. Nothing that you recall?

6 A. Nothing that I recall.

7 Q. The information that was imparted to
8 you as part of your assignment about Mr. Hartmann
9 and his history, or the fact that you were to
10 arrest him, was that all provided by Sergeant
11 Carny or someone else?

12 A. That information was given to
13 numerous B.S.O. police officers who were
14 distributing it.

15 Q. Who was the source of that
16 information?

17 A. I do not know.

18 Q. Who advised you of that information
19 at B.S.O.?

20 A. Sergeant Carny.

21 Q. Once you received the assignment,
22 what, if anything, did you do next? Did you get
23 in your car, did you leave, what did you do?

24 A. Well, I walked down the hall, went
25 down the stairs, went outside; is that what you

1 KNATZ

2 are asking?

3 Q. Did you get in a car, did you have a
4 partner, what happened?

5 A. Eventually I got in the car, yes.

6 Q. Did you get in the car alone or with
7 someone else?

8 A. I eventually was with Officer John
9 Nicholson.

10 Q. Did you leave B.S.O. offices at
11 Westbury with Officer Nicholson, or did you meet
12 him someplace else?

13 A. I believe I was with P.O. Nicholson
14 at B.S.O.

15 Q. What time did you leave B.S.O. on
16 March 12, 2004, approximately?

17 A. Early afternoon.

18 Q. When you left B.S.O., did you leave
19 with Officer Nicholson?

20 A. I believe I did, yes.

21 Q. Where did you go with Officer
22 Nicholson when you left?

23 A. Long Beach.

24 Q. Did you go with anybody other than
25 Officer Nicholson when you left B.S.O.'s

1 KNATZ

2 headquarters in Westbury?

3 A. Numerous B.S.O. police officers left
4 Westbury.

5 Q. How many different groups or teams of
6 officers left B.S.O. in Westbury to look for
7 Mr. Hartmann?

8 A. I did not count.

9 Q. Were you given the assignment to go
10 to Long Beach, or is that something that you
11 decided on your own or in conjunction with Officer
12 Nicholson?

13 A. Both of us were assigned to go to
14 Long Beach.

15 Q. That assignment was made by Sergeant
16 Carny or someone else?

17 A. Sergeant Carny.

18 Q. Where did you go in Long Beach?

19 A. California Avenue.

20 Q. What was at California Avenue?

21 A. It was houses.

22 Q. Is there any particular reason that
23 you went to California Avenue?

24 A. Yes.

25 Q. Why is that?

1 KNATZ

2 A. It was a possible address where
3 Thomas Hartmann might be.

4 Q. Who provided you with that address?

5 A. I do not recall.

6 Q. What did you do at California Avenue,
7 if anything?

8 A. Drove up and down the block.

9 Q. Did you knock on any doors?

10 A. No.

11 Q. Did you speak with anybody?

12 A. No.

13 Q. How long did you remain at California
14 Avenue?

15 A. I do not recall.

16 Q. What did you do next, if anything?

17 A. We parked our car at the end of the
18 block and sat there.

19 Q. How long did you sit at the end of
20 the block at California Avenue?

21 A. I did not time it.

22 Q. Approximately how long were you
23 there; five minutes, a minute?

24 A. I couldn't tell you.

25 Q. Where did you go next after you

1

KNATZ

2

parked?

3

A. Long Beach Police Department.

4

Q. Where is that located in Long Beach?

5

A. Over by the train station.

6

Q. Did you speak with any officers at

7

the Long Beach Police Department?

8

A. Yes.

9

Q. Do you know who you spoke with?

10

A. I spoke to numerous officers. I do

11

not know the names of all of them, no.

12

Q. What was the purpose of you going to

13

the Long Beach Police Department?

14

A. To attempt to locate Thomas Hartmann.

15

Q. Were you interviewing officers to

16

ascertain his whereabouts or something else?

17

A. Yes.

18

Q. What was the sum and substance of the

19

conversations that you had with the officers at

20

Long Beach?

21

A. Do you know where we could find

22

Thomas Hartmann.

23

Q. Were you told anything?

24

A. Yes.

25

Q. What were you told?

1 KNATZ

2 A. Was told by the desk officer that he
3 personally knew Thomas Hartmann and went to school
4 with him. Would it be okay with you, meaning me,
5 if we made some phone calls to try to locate him
6 and get him to turn himself in.

7 Q. Did you speak with any other
8 officers?

9 A. Yes.

10 Q. What else was said between you and
11 the other officers?

12 A. I showed other officers a picture of
13 Thomas Hartmann, asked them if they knew where we
14 could find him.

15 Q. What else were you told? You
16 mentioned that you spoke with the officers, said
17 you were looking for him. You inquired about his
18 whereabouts. You also mentioned a conversation
19 that you had with the sergeant.

20 What other conversations did you have
21 with the police officers or other personnel at
22 Long Beach, other than what you said, if anything.

23 A. I had a lot of conversations with
24 different members and different ranks within the
25 Long Beach Police Department.

1 KNATZ

2 Q. Tell me the sum and substance of
3 those conversations.

4 A. The conversations with the desk
5 officer sergeant was related to the fact that he
6 knew Thomas. Might be able to get in touch with
7 either him or family members for us. At which
8 time we left him our cell phone numbers and phone
9 number for the B.S.O. office. If he got him to
10 turn himself in, to let us know. That is what we
11 would be looking for. Conversations with police
12 officers, just do you know him. Do you know where
13 we could find him. Do you know where he hangs
14 out. Do you know if he has any girlfriends.
15 Anything that would help us, assist us in
16 attempting to locate him.

17 Q. Were you given any other information
18 by the members of the Police Department at Long
19 Beach, other than what you just testified to?

20 A. Yes.

21 Q. What else were you told?

22 A. That he was a crack head. He was out
23 of control. He was violent. He has been crazy
24 since he was 16 years old in school.

25 Q. Anything else?

1 KNATZ

2 A. You will have trouble when you find
3 him.

4 Q. Anything else?

5 A. I hope you are wearing your vest.

6 Q. Anything else?

7 A. That is all that I recall right now.

8 Q. Who told you this, that you will have
9 trouble when you find him?

10 A. Several people.

11 Q. Who were these several people, what
12 are their names?

13 A. I can't recall. They were members of
14 the Long Beach Police Department.

15 Q. You don't know any of their names?

16 A. The desk sergeant was Churnasky. I
17 do not know the exact spelling or pronunciation.

18 Q. Did the desk sergeant tell you that
19 you probably should be wearing your vest?

20 A. The desk sergeant told us we would
21 have trouble.

22 Q. Who told you that Mr. Hartmann was
23 crazy and a crack head?

24 A. Several police officers.

25 Q. What are their names?

1 KNATZ

2 A. I don't know their names.

3 Q. Who told you that you should be
4 wearing your vest?

5 A. A detective in the Long Beach Police
6 Department.

7 Q. Detective who?

8 A. I am not sure of his name.

9 Q. At some point in time did you leave
10 the Long Beach Police Department?

11 A. Yes.

12 Q. Once this information was given to
13 you at the Long Beach Police Department, did you
14 provide any information to the other B.S.O.
15 officers or the B.S.O. officers that you reported
16 to?

17 A. Yes.

18 Q. What did you report?

19 A. What I was told.

20 Q. How did you make this report? Was
21 there a radio transmission, was it a report filed
22 or something else?

23 A. In person.

24 Q. How was this done, what happened
25 next? Did you speak with Officer Nicholson, what

1 KNATZ

2 happened?

3 A. Officer Nicholson, yes, Officer
4 Robillotta, Officer Clarke, yes, all in person.

5 Q. Where did you see these three
6 officers?

7 A. Long Beach Police Department.

8 Q. Were you at the Long Beach Police
9 Department with these other three police officers?

10 A. Yes.

11 Q. Did you meet the other two officers
12 there? You were with Officer Nicholson already,
13 right?

14 A. I was in the same car as Officer
15 Nicholson.

16 Q. How did you hook up with these other
17 two officers?

18 A. We met them on California Avenue.

19 Q. Did you sit on California Avenue with
20 these other officers for any period of time?

21 A. They were there with us, yes.

22 Q. Did you travel to the Long Beach
23 Police Department with the other officers?

24 A. The only people that were in the car
25 that I was in, was Officer Nicholson.

1 KNATZ

2 Q. Did you follow each other over to the
3 Long Beach Police Department?

4 A. We did not follow anybody.

5 Q. Did you go at or about the same time
6 to the Long Beach Police Department?

7 A. Approximately, yes.

8 Q. Other than speaking with the other
9 three officers that you were with at the Long
10 Beach Police Department, did you have any
11 communication or did you provide any information
12 that you had acquired at the Long Beach Police
13 Department, with any other members of the B.S.O.,
14 or any other members of the Nassau County Police
15 Department?

16 A. At that time?

17 Q. At that time or anytime that
18 afternoon?

19 A. Yes.

20 Q. Who did you provide information to?

21 A. Officer Carl Snelders. There is
22 another team of officers in Merrick that we met up
23 with. I don't remember what that team was.

24 Q. Anybody else?

25 A. Those are the only people that I

1 KNATZ

2 recall telling.

3 Q. Did you make any transmissions over
4 the radio concerning the information that you had
5 acquired at the Police Department of Long Beach?

6 A. I don't believe so.

7 Q. Did you hear any radio transmissions
8 or did you receive any bulletins during the day,
9 or notifications during the day concerning
10 Mr. Hartmann?

11 A. Concerning Mr. Hartmann in what
12 respect?

13 Q. About his whereabouts? Any bulletins,
14 anything concerning Mr. Hartmann?

15 A. Yes.

16 Q. What information did you receive
17 during the day?

18 A. During the course of the morning and
19 afternoon, I was told that there was a chance he
20 was coming back to his wife's residence in
21 Merrick. That he possibly had a job out of
22 Wantagh possibly related to New York City where he
23 might be taking a train back and forth. That he
24 also might be in upstate New York.

25 Q. Who provided you with this

1 KNATZ

2 information?

3 A. Other B.S.O. officers. I don't
4 remember who.

5 Q. After you left the Long Beach Police
6 Department, where did you go next?

7 A. Specifically within the confines of
8 Long Beach, numerous places.

9 Q. Do you know where?

10 A. Generally, yes.

11 Q. Where did you go?

12 A. Numerous crack houses, train station.

13 Q. Did you go inside of the crack
14 houses?

15 MS. O'NEILL: You have to let him
16 finish the answer to the first question.
17 You asked him where he went.

18 Q. Where did you go, sorry?

19 A. What question are you up to?

20 Q. You went to crack houses, the train
21 station, where else?

22 A. Crack houses, we went to the train
23 station, parking lot, went to numerous drinking
24 establishments, went to several houses that might
25 be related to a search for him.

1 KNATZ

2 Q. Did you go inside of the crack
3 houses?

4 A. Did I, no.

5 Q. Did any B.S.O. officers go into the
6 crack houses?

7 A. Unknown.

8 Q. Did you go in any of the bars?

9 A. Yes.

10 Q. What bars did you go into?

11 A. I don't recall what their names were.

12 Q. Who gave you the information
13 concerning the location of the crack houses?

14 A. That would be a detective in the Long
15 Beach Police Department.

16 Q. Who gave you the information to tell
17 you what bars to check?

18 A. The same detective.

19 Q. At some point in time did you come to
20 leave Long Beach?

21 A. Yes.

22 Q. When was that?

23 A. I do not know the exact time.

24 Q. Approximately?

25 A. Mid to late afternoon.

1 KNATZ

2 Q. Where did you go next?

3 A. To Merrick.

4 Q. Where did you go in Merrick?

5 A. I do not recall the exact address,
6 but it was the victim's home address.

7 Q. The "victim" being Kim Hartmann?

8 A. Kim Hartmann.

9 Q. What did you do at that address or
10 location?

11 A. Sat in the police car.

12 Q. Were you with Officer Nicholson at
13 this time?

14 A. Yes.

15 Q. Were you with any other officers or
16 in the vicinity of any other officers at this
17 time?

18 A. Yes.

19 Q. Who else was in the location?

20 A. I do not recall who was there with
21 us.

22 Q. How long did you remain at that
23 location in Merrick?

24 A. I don't know the exact time.

25 Q. At some point did you leave that

1 KNATZ

2 location?

3 A. Yes.

4 Q. How was it that you came to leave
5 that location?

6 A. Officer Snelders arrived.

7 Q. When Officer Snelders arrived, who
8 were you in the car with?

9 A. Police Officer John Nicholson.

10 Q. Were you driving or was Officer
11 Nicholson driving?

12 A. Officer Nicholson was driving.

13 Q. What happened next?

14 A. I got into the police car with Police
15 Officer Snelders.

16 Q. Was he driving?

17 A. Yes, he was.

18 Q. Why did you leave Officer Nicholson?

19 A. I was assigned to a house in
20 Oceanside.

21 Q. Who made the assignment?

22 A. Exactly, I am not sure. I was told
23 of the assignment by Officer Snelders.

24 Q. What did he say to you?

25 A. We have to go down to a house in

1 KNATZ

2 Oceanside.

3 Q. What happened with Officer Nicholson?

4 A. He stayed at the house in Merrick.

5 Q. Did you go to the location in

6 Oceanside?

7 A. Yes.

8 Q. With Officer Snelders?

9 A. Yes.

10 Q. About what time was that?

11 A. Late afternoon, I don't know the

12 exact time.

13 Q. Where did you go in Oceanside?

14 A. Brower Avenue.

15 Q. Is there a particular intersection or
16 location on Brower that you went to, or address?

17 A. We passed by an address, yes, that
18 was on the corner. Corner of Sunnybrook Drive.

19 Q. How far were you from the corner of
20 Sunnybrook Drive and Brower?

21 A. When?

22 Q. At some point in time did you park on
23 Brower?

24 A. Yes.

25 Q. How far were you from the corner of

1 KNATZ

2 Sunnybrook when you parked on Brower?

3 A. I didn't measure. It was
4 approximately a block, block and a half away.

5 Q. What compass direction does Brower
6 run?

7 A. Brower runs east and west.

8 Q. What direction were you facing?

9 A. East.

10 Q. How long did you remain stopped on
11 Brower until the next time that that police car
12 was moved?

13 A. I do not know.

14 Q. At some point in time, what were you
15 doing at Brower?

16 A. We were assigned there in case Thomas
17 Hartmann showed up there.

18 Q. Did you have any information why he
19 would show up over by Brower?

20 A. I received the information from Carl
21 to go there.

22 Q. Carl Snelders?

23 A. Carl Snelders, yes.

24 Q. Did you know why you were going to
25 that location, who lived there, what was there,

1 KNATZ

2 what would attract Mr. Hartmann there?

3 A. I don't remember exactly what he told
4 me, but it was either a sister, brother,
5 sister-in-law, brother-in-law, somebody related to
6 him lived there.

7 Q. At some point in time did you become
8 aware that Mr. Hartmann was present at some
9 location?

10 A. He showed up on the intersection,
11 yes.

12 Q. Where did he come from, do you know,
13 what direction?

14 A. He came from behind where we were
15 parked; that would be from west to east.

16 Q. Were you parked next to a curb?

17 A. I was in the car, Carl was driving,
18 he parked next to the curb.

19 Q. The car that you were in, was it next
20 to a curb?

21 A. Yes.

22 Q. How long were you parked at the curb?

23 A. I didn't time it.

24 Q. Approximately, five minutes, ten
25 minutes, one hour, two hours, all day?

1 KNATZ

2 A. Late afternoon.

3 Q. Do you know how long you were there
4 at all?

5 MS. O'NEILL: You mean parked in
6 that location?

7 MR. HANSEN: Right.

8 A. I couldn't tell you. I can give you
9 an approximate if you want.

10 Q. That would be great.

11 A. Approximately half an hour to an
12 hour.

13 Q. From the time that you first met up
14 with Officer Snelders, until the time that you saw
15 Mr. Hartmann arrive at the scene over by Brower,
16 did you have any conversations with Officer
17 Snelders concerning Mr. Hartmann?

18 A. Yes.

19 Q. What conversations did you have with
20 him?

21 A. I told him the information that I had
22 learned from Long Beach Police Department.

23 Q. Anything else?

24 A. Anymore conversations?

25 Q. Yes.

1 KNATZ

2 A. I am sure we did. We were sitting in
3 the car together.

4 Q. Any other conversations concerning
5 Mr. Hartmann?

6 A. Yes.

7 Q. What conversations did you have?

8 A. That he might be upstate New York.
9 He might be in Wantagh on a job, related to New
10 York City. He might be coming back to his wife's
11 residence in Merrick.

12 Q. When did you first notice that
13 Mr. Hartmann was in the area? When was that? Did
14 you see him, did you hear him, did Officer
15 Snelders say something?

16 A. Officer Snelders said something.

17 Q. What did he say?

18 A. He said, "here comes a black Lexus."

19 Q. He came up from behind? Did the Lexus
20 come up from behind?

21 A. From behind us, yes.

22 Q. When did you first notice it?

23 A. As it passed.

24 Q. As you were sitting at the curb, was
25 the car's engine running or stopped?

1 KNATZ

2 A. I believe it was running.

3 Q. When you first noticed that there was
4 a Lexus, what, if anything, was done by Officer
5 Snelders with respect to the operation of the car?
6 Did he put it in gear, did he move forward, what
7 happened?

8 A. He put our police car in drive and
9 entered the roadway.

10 Q. As you were sitting parked on Brower
11 for that half hour to the hour, did you have your
12 seat belt on?

13 A. No, I did not.

14 Q. Did Officer Snelders have his seat
15 belt on?

16 A. I do not know.

17 Q. From the time Officer Snelders first
18 saw the Lexus or he made you aware that he first
19 saw the Lexus, until the time that you moved from
20 the curb, did he take any actions within the
21 police car? In other words, did he move the seat,
22 did he put it in gear, what did he do within the
23 police car?

24 A. You will have to ask Officer Snelders
25 that.

1 KNATZ

2 Q. You were with him, right?

3 A. I was in the car with him, yes.

4 Q. I already asked Officer Snelders. I
5 will ask you now because you were in the same car.

6 What did you see him do, if anything?
7 Did you see him move the seat, did you see him get
8 in or out, did he adjust his mirror, did he turn
9 the lights on, did he take his seat belt on or
10 off.

11 A. I didn't see anything.

12 Q. Did you see him turn any police
13 lights on?

14 A. Did the police lights go on, yes,
15 they did. Did I see him turn them on, no, I did
16 not.

17 Q. Was the car equipped with a siren?

18 A. Yes.

19 Q. Was the siren turned on?

20 A. When we exited our parked position?

21 Q. When you pulled away from the curb?

22 A. No, it was not.

23 Q. Was Officer Snelders sitting in the
24 car at this time? From the time that you first
25 noticed Mr. Hartmann, until the time you pulled

1 KNATZ

2 away, were you both sitting in the car?

3 A. Yes.

4 Q. From the time that you first saw
5 Mr. Hartmann, until you pulled away from the curb,
6 did Officer Snelders do anything with respect to
7 his seat belt?

8 A. I did not notice.

9 Q. Could you estimate the speed of the
10 Lexus as it passed by you?

11 A. No.

12 Q. Did the Lexus continue straight, did
13 it make any turns or anything else as it passed
14 you?

15 A. The Lexus passed us, made a left-hand
16 turn.

17 Q. Do you know what street it turned
18 onto?

19 A. Sunnybrook Drive.

20 Q. At some point in time did the Lexus
21 come to a stop?

22 A. Yes.

23 Q. Where did it come to a stop?

24 A. On the corner of Sunnybrook Drive off
25 of Brower Avenue.

1 KNATZ

2 Q. How far off of Brower Avenue did the
3 Lexus travel up Sunnybrook?

4 A. Just a short distance.

5 Q. One car length, two car lengths, half
6 a block, something else?

7 A. I didn't measure the car lengths. It
8 was stopped at the first house that was there.

9 Q. Was it stopped at the corner first or
10 the first house?

11 A. The corner house is the first house.

12 Q. At some point in time you pulled from
13 the curb. Did you follow the Lexus, did you go
14 behind it, did you follow it?

15 A. I don't know exactly what you mean by
16 that.

17 Q. Were you behind the Lexus?

18 A. Yes.

19 Q. You pulled from the curb, right, when
20 you saw the Lexus you pulled from the curb?

21 A. I was not driving.

22 Q. The car that you were in pulled from
23 the curb?

24 A. Yes.

25 Q. When it pulled from the curb did it

1 KNATZ

2 head in the direction of Sunnybrook?

3 A. Yes.

4 Q. The car that you were in, did Officer
5 Snelders turn onto Sunnybrook?

6 A. Yes.

7 Q. At the time the car turned the corner
8 from Brower onto Sunnybrook, where was
9 Mr. Hartmann; was he still in the Lexus, was he
10 out of the Lexus, someplace else?

11 A. I don't know.

12 Q. Did you see Mr. Hartmann as you
13 turned, as the car that you were in turned, from
14 Brower onto Sunnybrook? Did you see him?

15 A. No.

16 Q. When did you next see Mr. Hartmann?
17 Where were you?

18 A. I was in the B.S.O. police car just
19 as it was coming to a stop.

20 Q. Is that when you next saw
21 Mr. Hartmann?

22 A. That is when I first saw
23 Mr. Hartmann.

24 Q. Where was he at that point in time?
25 At that moment that you first saw him and the car

1 KNATZ

2 was coming to a stop, where was Mr. Hartmann?

3 A. He was right by the bumper of his
4 Lexus.

5 Q. The front or the rear bumper?

6 A. The rear.

7 Q. Was he saying anything at that
8 moment?

9 A. At?

10 Q. When you first pulled up, you saw him
11 at the rear bumper, was he saying anything?

12 A. Yes. At that exact second? As we
13 pulled up to a stop, yes.

14 Q. What was he saying?

15 A. Well, he was more yelling.

16 Q. What was he yelling?

17 A. He was yelling that he is going to
18 shoot us.

19 Q. How many times did he say that?

20 A. Several.

21 Q. Did the police car come to a stop
22 behind the Lexus?

23 A. Yes.

24 Q. How far behind the Lexus was the
25 police car?

1 KNATZ

2 A. I didn't measure. I would estimate
3 less than a car length.

4 Q. Was the police car directly behind
5 the Lexus, was it off to the side or something
6 else? Was it more toward the curb, more toward the
7 middle or directly behind the Lexus?

8 A. Our police car was behind the Lexus,
9 more toward the middle than the curb.

10 Q. Did you remain in the police car once
11 it came to a stop, did you get out or something
12 else?

13 A. I started to get out.

14 Q. Did you get out fully?

15 A. No.

16 Q. You started to get out and then what
17 happened, if anything?

18 A. I identified myself as a police
19 officer.

20 Q. What did you say?

21 A. "Police, Nassau County Police,
22 Thomas, you are under arrest. "

23 Q. What happened next?

24 A. Thomas continued yelling that he was
25 going to shoot us, we better shoot him first.

1 KNATZ

2 Q. What happened next?

3 A. I told Thomas to stop.

4 Q. Were you inside your car or outside
5 your car when you told him to stop?

6 A. I was still half in, half out. More
7 out than in.

8 Q. At this point in time when you told
9 Mr. Hartmann to stop, where was he in relation to
10 the police car and the Lexus?

11 A. He was between the two cars.

12 Q. What was he doing with his body; was
13 he walking, staying in one spot, what was he
14 doing?

15 A. He was walking from his rear bumper
16 toward our front bumper. He stuck his hand down
17 his pants.

18 Q. What was he wearing?

19 A. He was wearing like a blue,
20 long-sleeve shirt, sweatshirt, jeans.

21 Q. What was on his feet; shoes,
22 sneakers, something else?

23 A. I believe it was sneakers.

24 Q. Was he wearing a belt?

25 A. I believe he was wearing a belt, yes.

1 KNATZ

2 Q. Could you see his belt?

3 A. I believe I saw a belt, but I am not
4 one hundred percent sure.

5 Q. What color was it, do you know?

6 A. I don't know.

7 Q. As you were at the Sunnybrook and
8 Brower location, did you see his belt?

9 A. I believe I saw him with a belt on,
10 yes.

11 Q. You said he put his hands in his
12 pants?

13 A. Yes.

14 Q. What hand did he put in his pants?

15 A. Right hand.

16 Q. How long did his right hand remain in
17 his pants while at that scene?

18 A. The whole time I saw him.

19 Q. From the time that he was out of his
20 Lexus, did he have his hand out of down his pants?

21 A. Put his hands down his pants when he
22 was at the bumper of his car.

23 Q. Did he put one hand or both hands
24 down his pants?

25 A. His right hand.

1 KNATZ

2 Q. What was his left hand doing when he
3 first put his right hand down his pants?

4 A. I don't know.

5 Q. As he was standing in front of you
6 yelling, were you able to see his waistband? You
7 mentioned that you saw his belt. Were you able to
8 see his waistband?

9 A. I believe I saw his belt.

10 Q. You were able to see his waistband at
11 that point in time?

12 A. What do you mean?

13 Q. The top part of his pants where it
14 meets his waist.

15 A. I couldn't tell you what exact parts
16 were exposed.

17 Q. Did you see him put his hands in his
18 pants?

19 A. Yes.

20 Q. Did you see him remove his hand from
21 his pants, at any point in time while at the
22 Sunnybrook and Brower location?

23 A. I did not see him remove his hand at
24 the Brower location.

25 Q. Did you see any indication that

1

KNATZ

2

Mr. Hartmann had a weapon, like a bulk, some type
of silhouette or an object in his pants?

4

A. He had his hand and a portion of his
arm in his pants that was creating a bulk.

6

Whether there was a separate bulk underneath that,
I cannot see through things.

8

Q. When his hand was in his pants at the
Brower Avenue location, how far was his arm down
his pants; was it up to his elbow, was it between
his wrist and elbow or something else?

12

A. I can only estimate between his wrist
and elbow.

14

Q. Somewhere about midway or something
else?

16

A. Between his wrist and elbow.

17

Q. About halfway or something else?

18

A. About between his wrist and his
elbow.

20

Q. About halfway?

21

A. About between the wrist and the
elbow.

23

Q. That is kind of a big area. Was it
closer to his wrist or elbow that was exposed?

25

A. If I knew I would tell you. That is

1 KNATZ

2 why I answered the way I did, between his wrist
3 and elbow.

4 Q. At some point in time did
5 Mr. Hartmann get back into the Lexus?

6 A. Yes, he did.

7 Q. When Mr. Hartmann was outside of his
8 Lexus shouting, did he ever come to the police
9 vehicle? Did he ever approach it or come next to
10 it?

11 A. He approached it, never made it up to
12 it.

13 Q. What was the closest that he came to
14 the police car at that location?

15 A. I would estimate several feet, but I
16 didn't measure again.

17 Q. While you were halfway out of the
18 car, was your weapon unholstered?

19 A. My weapon was in my hand.

20 Q. Your right hand?

21 A. My right hand.

22 Q. What was Officer Snelders wearing as
23 you sat in the police car on that day when you
24 were with him?

25 A. I couldn't tell you exactly. Street,

1 KNATZ

2 plainclothes, similar to what I am wearing.

3 Q. He was not in uniform?

4 A. He was not in uniform.

5 Q. He was in plainclothes?

6 A. Yes.

7 Q. Did you see his gun as he sat in the
8 car?

9 A. Whose gun?

10 Q. Officer Snelders'?

11 A. No.

12 Q. Do you know where Officer Snelders
13 keeps his gun or kept his gun that day?

14 A. I believe he is a righty, which would
15 be on his right side but I didn't check.

16 Q. You didn't notice?

17 A. I did not notice.

18 Q. Did Officer Snelders unholster his
19 gun, that you saw?

20 A. Not that I saw. You would have to
21 ask Officer Snelders.

22 Q. How long did it take to you unholster
23 your gun?

24 A. I didn't look at my watch.

25 Q. How long does something like that

1 KNATZ

2 take?

3 A. Very quickly.

4 Q. Less than a second?

5 A. I didn't time it; quickly.

6 Q. From the time that you came to a stop

7 until the time you got out of the car, did you

8 have your seat belt on before you got out?

9 A. I didn't fully get out of the car.

10 Q. As you were partially out of the car

11 did you have to remove your seat belt?

12 A. No, I did not have a seat belt on.

13 Q. Did Officer Snelders have a seat belt

14 on at that time?

15 A. I don't know.

16 Q. So at some point in time you were

17 pointing your weapon at Mr. Hartmann?

18 A. Yes.

19 Q. Did you say anything as you pointed

20 your weapon at him?

21 A. Yes.

22 Q. What did you say?

23 A. "Stop."

24 Q. Did he have any response or reaction?

25 A. He continued yelling.

1 KNATZ

2 Q. What happened next?

3 A. Continued to tell him that he was
4 under arrest.

5 Q. Did he continue approaching the car
6 or did he turn back?

7 A. He was just stopped.

8 Q. Where was his hand at this point in
9 time?

10 A. Down the front of his pants.

11 Q. What happened next, if anything?

12 A. I asked him to let me see his hands.

13 Q. Did he say anything?

14 A. He continued yelling.

15 Q. What was he yelling?

16 A. "You better shoot me, I will shoot
17 you first. "

18 Q. What happened next?

19 A. He started backing up.

20 Q. Did he turn away from you, did he
21 walk backwards or something else?

22 A. He was sort of walking backwards, a
23 little sideways.

24 Q. What was Officer Snelders doing while
25 this was happening?

1 KNATZ

2 A. I do not know.

3 Q. From the time that you first stopped
4 the police car until the time that Mr. Hartmann
5 started backing away sideways, how much time had
6 passed?

7 A. I didn't--.

8 Q. Approximately; five seconds, ten
9 seconds?

10 A. I do not know.

11 Q. What happened next, if anything?

12 A. I don't know what we were up to.

13 Q. We were talking about Mr. Hartmann
14 walking back towards the Lexus. At some point in
15 time did he get back into the Lexus?

16 A. Yes.

17 Q. As Mr. Hartmann was going back toward
18 his Lexus, what, if anything, were you doing
19 during that period of time?

20 A. Going back into the police car.

21 Q. At that point in time where was your
22 badge or your shield?

23 A. My shield was around my neck, outside
24 of my clothing.

25 Q. When did you take it out?

1 KNATZ

2 A. As we pulled out from Brower Avenue
3 from our parked position.

4 Q. Where was Officer Snelders' shield at
5 that time when you pulled out?

6 A. I do not know. I didn't look at him.

7 Q. Did you get back into the police
8 vehicle before Mr. Hartmann got into his Lexus or
9 after?

10 A. Fully in?

11 Q. Fully in, with the door closed?

12 A. He was in his Lexus.

13 Q. Did you say anything to Officer
14 Snelders at that point in time, when you got back
15 into the car?

16 A. I don't know the exact words, but I
17 believe I said I think he is going to run, meaning
18 in the car. Lead us on a chase. I didn't say
19 that run meaning that.

20 Q. You didn't mean physically run, you
21 meant take off in the car?

22 A. I wouldn't have got back into the car
23 if I thought he was physically going to run.

24 Q. At that point in time did Officer
25 Snelders do anything with respect to the operation

1 KNATZ

2 of the patrol car?

3 A. Yes, did he.

4 Q. What did he do?

5 A. He pulled it alongside up to the
6 Lexus.

7 Q. Was your door facing the same
8 location as Mr. Hartmann's front door?

9 A. I am not sure what you mean by that.

10 Q. Were you even with his car, was the
11 police car even with the Lexus?

12 A. We were facing the same direction,
13 yes.

14 Q. Were you next to it?

15 A. We were up to it at a slight angle.

16 Q. Did you cut in front of the Lexus
17 with the police car or did Officer Snelders use
18 the police car to block the Lexus at all?

19 A. We were more to the side.

20 Q. What distance separated the side of
21 the police car from the side of the Lexus,
22 approximately?

23 A. I didn't measure but it was tight.

24 Q. You were very close to it?

25 A. Yes.

1 KNATZ

2 Q. About a foot or less?

3 A. I didn't measure but I couldn't open
4 the door and get out.

5 Q. Was the front of your police car even
6 with the front of the Lexus at that point in time?

7 A. I didn't look.

8 Q. Was the police car brought to a stop
9 when you pulled up next to the Lexus?

10 A. Yes.

11 Q. Was Officer Snelders' window up or
12 down?

13 A. I do not know.

14 Q. Was your window up or down?

15 A. Down.

16 Q. Mr. Hartmann's window, was it up or
17 down?

18 A. Up.

19 Q. Did you see Mr. Hartmann get into his
20 vehicle?

21 A. I saw him at the door stepping in,
22 yes.

23 Q. At that point in time, where was his
24 right hand as he stepped into the vehicle?

25 A. I did not see his right hand.

1 KNATZ

2 Q. How much time elapsed from the time
3 that you first got back into the car until the
4 time that you pulled up next to the Lexus and came
5 to a stop?

6 A. Just a few seconds.

7 Q. Can you describe the rate of speed
8 that you traveled in order to pull up next to the
9 Lexus, was it something slow, something fast?

10 A. Slow.

11 Q. As you pulled up next to the Lexus,
12 did you say anything to either Officer Snelders or
13 Mr. Hartmann?

14 A. As we pulled up?

15 Q. Yes.

16 A. No.

17 Q. Once you were next to the Lexus, did
18 you say anything to Mr. Hartmann or did he say
19 anything to you?

20 A. I do not know if he said anything.

21 Q. Did you say anything to Mr. Hartmann?

22 A. No.

23 Q. Did you look at him?

24 A. I could not see him. I looked in the
25 direction of where I believe he was. I did not

1 KNATZ

2 see him.

3 Q. Which direction was this?

4 A. From where I was sitting?

5 Q. Yes.

6 A. Up and to my right.

7 Q. Was your door even with the Lexus
8 door?

9 A. Not exactly even.

10 Q. Were you more toward the front of the
11 car or more behind it?

12 A. Behind.

13 Q. When you looked up, did you look up
14 through the windshield or the opening for the
15 passenger side window?

16 A. It would be the opening.

17 Q. When you were looking up to see
18 Mr. Hartmann, was the car stopped, the police car?

19 A. Yes.

20 Q. Was the Lexus stopped also?

21 A. Yes.

22 Q. How long did you both remain stopped?

23 A. Very short period of time.

24 Q. From the time that you got back into
25 the car, you pulled up next to the Lexus for the

1 KNATZ

2 entire time that you were stopped next to the
3 Lexus, could you see Mr. Hartmann or any part of
4 him?

5 A. Could you repeat that?

6 (Whereupon, the referred to question
7 was read back by the Reporter.)

8 A. I could not see Mr. Hartmann, no.

9 Q. Why couldn't you see him? Was there
10 something blocking your view?

11 A. Our police car was extremely tight to
12 his Lexus. I did not have a good angle. I was
13 looking up, his vehicle was higher.

14 Q. So you could see nothing of
15 Mr. Hartmann or his body?

16 A. No.

17 Q. Did you have any idea what he was
18 doing at that point in time?

19 A. No.

20 Q. While you were sitting, as you pulled
21 up, as you were stopped next to Mr. Hartmann, you
22 were tight, like you said, what was Officer
23 Snelders doing?

24 A. I don't know.

25 Q. He was driving the car?

1 KNATZ

2 A. At that time we were stopped.

3 Q. Was he saying anything to you or to
4 Mr. Hartmann?

5 A. Shortly after we stopped he said
6 something, yes.

7 Q. What did he say? Did he say anything
8 as you were stopped next to the Lexus?

9 A. Just as we stopped, yes.

10 Q. What did he say?

11 A. "He is reaching for something. "

12 Q. Did you see where Mr. Snelders was
13 looking at that time?

14 A. No, I did not.

15 Q. Did you have any response when
16 Officer Snelders said he was looking for
17 something?

18 MS. O'NEILL: Note my objection to
19 the form. You can answer.

20 A. He didn't say he was looking for
21 something. He said he was reaching for something.

22 Q. Did you have any response?

23 A. Yes.

24 Q. What was your response?

25 A. I ducked.

1 KNATZ

2 Q. What did Officer Snelders do, if
3 anything?

4 A. He backed up the police car.

5 Q. When you ducked, which direction did
6 you duck, did you lean over to your left?

7 A. I sort of crouched down, ducked down.

8 Q. Is it at that point in time that
9 Officer Snelders put the patrol car in reverse?

10 A. The car was moving backwards. I
11 didn't see him put it in reverse.

12 Q. How far back did you move? Did you
13 move past the back of the Lexus or some other
14 point?

15 A. I don't know.

16 Q. At some point in time did the Lexus
17 leave?

18 A. Yes.

19 Q. Were you still backing up when the
20 Lexus pulled away or no?

21 A. I am not exactly sure if we were
22 stopped yet. We were behind the Lexus. I do
23 not know if our car was stopped or not.

24 Q. When you were behind the Lexus, could
25 you see Mr. Hartmann or any part of him?

1 KNATZ

2 A. No.

3 Q. Did Officer Snelders say anything
4 further to you, as you were backing, and until the
5 Plaintiff's Lexus pulled away?

6 A. Not that I recall.

7 Q. Did you say anything to him?

8 A. No.

9 Q. At some point in time did the Lexus
10 pull from the curb?

11 A. Yes.

12 Q. Did you follow it? Did you follow
13 his car?

14 A. Yes.

15 Q. Where was your weapon as you pulled
16 up next to the Lexus? That period of time that you
17 were stopped next to the Lexus, when you were in
18 close quarters?

19 A. In close quarters?

20 Q. Yes. When you said that you couldn't
21 open your door, that period of time, where was
22 your gun?

23 A. It was in my holster.

24 Q. You mentioned before earlier when the
25 record was reportedly ruined, you mentioned there

1 KNATZ

2 was OC spray in the car, right?

3 A. There is OC spray in our police car,
4 yes.

5 Q. Where is the OC spray kept or where
6 was it kept on that day?

7 A. The one that I saw?

8 Q. The one that you saw.

9 A. In the glove box.

10 Q. Did you see any other OC spray that
11 day?

12 A. Did I see any?

13 Q. Yes.

14 A. I don't recall seeing any.

15 Q. When the Lexus left the location at
16 Brower, where did it go?

17 A. When the block sort of turns,
18 continued on.

19 Q. The street it was on, did you follow
20 the car?

21 A. We chased the car.

22 Q. Lights and sirens?

23 A. Yes.

24 Q. Did you ask for backup?

25 A. Yes.

1 KNATZ

2 Q. Who asked for backup?

3 A. I did.

4 Q. What did you say?

5 A. Exactly, I can't tell you.

6 Q. Sum or substance?

7 A. I said we are going in car pursuit.

8 Any units available in the Oceanside area to
9 assist us.

10 Q. Did you make any reference to any
11 threats made against you or Officer Snelders when
12 you made any of these transmissions over the
13 radio?

14 A. No, I did not.

15 Q. Any particular reason that you didn't
16 make any reference to threaten your life?

17 A. Yes.

18 Q. What would that be, what reason would
19 that be?

20 A. I was over the radio trying to give
21 streets where we were, so assistance could get
22 there.

23 Q. At any point in time did you ever
24 make any reference that there were any threats
25 being made against you or Officer Snelders, while

1 KNATZ

2 in pursuit?

3 A. No.

4 Q. At any point in time before your
5 pursuit, did you ever make any transmissions over
6 the radio about any threats being made against you
7 or Officer Snelders?

8 A. No.

9 Q. Did Officer Snelders make any
10 transmissions on the radio?

11 A. Not that I am aware of.

12 Q. The radio that you were making
13 transmissions on, was it a handheld radio or radio
14 within the car?

15 A. Both.

16 Q. You made transmissions over both
17 radios?

18 A. Correct.

19 Q. On what occasion did you make
20 transmissions over the handheld radio?

21 A. When I called for assistance from
22 B.S.O. police officers.

23 Q. The radio that you had that was the
24 handheld, was that a different frequency than the
25 radio in the car?

1 KNATZ

2 A. Yes, it was.

3 Q. Over which frequency was the B.S.O.
4 radio?

5 A. 7.

6 Q. What about the radio in the car?

7 A. 5.

8 Q. Is 7 the detective frequency?

9 A. Detective and B.S.O., yes.

10 Q. Did Officer Snelders have a radio
11 with him that day?

12 A. Yes, he did.

13 Q. Did you have a separate handheld
14 radio?

15 A. Yes, I did.

16 Q. Which radio were you using when you
17 were making these transmissions?

18 A. I used both radios.

19 Q. Were you using your radio handheld or
20 Officer Snelders' handheld?

21 A. I was using the car radio and my
22 handheld radio.

23 Q. So you didn't use Officer Snelders'
24 handheld radio at all?

25 A. No, I did not.

1 KNATZ

2 Q. What route did you take as you
3 followed the Lexus?

4 A. We continued following him on the
5 street that he was parked on. The road bends
6 around a little. We eventually came out to
7 Fortesque.

8 Q. What was the highest rate of speed
9 that you reached while chasing Mr. Hartmann,
10 approximately?

11 A. I could only approximate 55 to 65.

12 Q. When you reached Fortesque, for what
13 distance did you travel on Fortesque?

14 A. I didn't measure but it was several
15 blocks.

16 Q. From Fortesque, did you turn onto any
17 other roads or roadways, streets?

18 A. We took Fortesque north and made a
19 right-hand turn on Allen.

20 Q. Did you follow the Lexus from
21 Fortesque to Allen, onto Allen?

22 A. Yes.

23 Q. What was the closest that you came to
24 the Lexus as you were chasing it?

25 A. A couple of car lengths.

1 KNATZ

2 Q. At any point in time during the
3 chase, did you come alongside of the Lexus?

4 A. No.

5 Q. At some point in time did you see the
6 Lexus come to a stop on Allen?

7 A. No.

8 Q. At some point in time did you ever
9 see the Lexus at a stop on Allen?

10 A. You are asking did I see the Lexus
11 stop at Allen?

12 Q. Yes.

13 A. Yes.

14 Q. But you didn't see it come to a stop?

15 A. No, I did not.

16 Q. Did you see it turn the corner from
17 Fortesque onto Allen?

18 A. Yes.

19 Q. How far behind the Lexus were you
20 when the Lexus turned onto Allen?

21 A. Approximately a block, maybe a little
22 more.

23 Q. When you next saw the Lexus was it
24 stopped?

25 A. Next, from what point?

1 KNATZ

2 Q. From the time that it turned from
3 Fortesque onto Allen?

4 A. I lost sight of it. While we made
5 the right-hand turn onto Allen, it was stopped,
6 yes.

7 Q. At that point in time when you next
8 saw the Lexus, when it was stopped, where was
9 Mr. Hartmann?

10 A. I do not know.

11 Q. Did you see him inside of the car?

12 A. No.

13 Q. Did you see him outside of the car?

14 A. No.

15 Q. Did your car come to a stop at some
16 point in time on Allen?

17 A. Yes.

18 Q. After you turned onto Allen, where
19 did you come to a stop in relation to the Lexus?

20 A. Behind it.

21 Q. Can you describe how the Lexus was
22 stopped or parked on Allen was it along a curb,
23 middle of the roadway or something else?

24 A. It would not be considered legally
25 parked. It was in the roadway with the front

1 KNATZ

2 right passenger's side closer to the curb than the
3 rear passenger's side.

4 Q. It was pointing toward the curb; is
5 that right?

6 A. On an angle, yes.

7 Q. Was it pointing toward the right curb
8 or the left curb, as it was heading on Allen?

9 A. I didn't see it heading on Allen. I
10 saw it stopped. When the car was stopped it would
11 be as we made the turn looking eastbound. It
12 would be to the right, which would be southbound.

13 Q. At some point in time you came to a
14 stop in the police car on Allen?

15 A. Yes.

16 Q. Where in relation to the Lexus?

17 A. Behind it.

18 Q. How far behind it?

19 A. I didn't measure.

20 Q. Approximately?

21 A. I don't know.

22 Q. One car length, two car lengths,
23 three?

24 A. I didn't measure. More than a car
25 length.

1 KNATZ

2 Q. When the police car was brought to a
3 stop, was it behind the Lexus, towards the middle
4 of the roadway, towards the curb or something
5 else?

6 A. Our police car stopped in the roadway
7 more toward the left, which would be the north.

8 Q. More toward the middle of the road or
9 more toward the curb on the right?

10 A. More toward -- we were in the
11 middle. More toward the left.

12 Q. At that point in time when you first
13 visualized the Lexus, was the driver's side door
14 open or closed?

15 A. By "visualize," when I first saw it?

16 Q. Yes.

17 A. The door was open.

18 Q. Where was Mr. Hartmann when you next
19 saw him?

20 A. When I saw Thomas Hartmann?

21 Q. Yes.

22 A. He was in the middle of the road.

23 Q. Where were you when you saw
24 Mr. Hartmann in the middle of the road?

25 A. I was also in the roadway.

1 KNATZ

2 Q. Were you outside of the police car?

3 A. Outside of the police car, yes.

4 Q. When you came to a stop did you
5 immediately get out of the police car?

6 A. I waited for the car to stop.

7 Q. After you came to a stop did you
8 immediately get out of the car?

9 A. Yes.

10 Q. At that point in time were you seat
11 belted in?

12 A. Yes.

13 Q. Was Officer Snelders seat belted in?

14 A. I don't know.

15 Q. Did you unbuckle your seat belt?

16 A. Yes.

17 Q. You got out of the car?

18 A. Yes.

19 Q. Did up unholster your weapon at that
20 point in time?

21 A. As I stepped out of the car?

22 Q. Yes.

23 A. No, I did not.

24 Q. At what point did you unholster your
25 weapon, where were you?

1 KNATZ

2 A. On Allen.

3 Q. In the roadway?

4 A. In the roadway.

5 Q. Were you between the front of the
6 police car and the rear of the Lexus or someplace
7 else when you first got out?

8 A. I was to the side of the police car.

9 Q. Toward the passenger's side?

10 A. I got out of the passenger's side,
11 yes.

12 Q. How long did that process take for
13 you to unbuckle yourself and get out, was it very
14 quick?

15 A. Yes, it was quick.

16 Q. Where physically were you in relation
17 to the police car and the Lexus when you saw
18 Mr. Hartmann?

19 A. Where was I in relation to what?

20 Q. The police car and the Lexus when you
21 first saw Mr. Hartmann?

22 A. I was to the right of the police car,
23 that would be the passenger's side, I was behind
24 the Lexus.

25 Q. As you were to the right of the

1

KNATZ

2

police car behind the Lexus as you just testified,

3

what was Mr. Hartmann doing, if anything?

4

A. That is the first time I saw

5

Mr. Hartmann since the car chase.

6

Q. Do you know where he had come from?

7

A. He was just there. I do not know

8

which direction he came from, no.

9

Q. When you first saw him did you say

10

anything?

11

A. Yes.

12

Q. What did you say?

13

A. "Thomas, it doesn't have to go this

14

way, let me see your hands."

15

Q. Where were his hands at that point in

16

time?

17

A. His right hand was down his pants

18

again.

19

Q. Was he saying anything?

20

A. "Just shoot me. "

21

Q. He told you to shoot him?

22

A. Numerous times.

23

Q. Then what happened next?

24

A. He continued yelling at us.

25

Q. Did you yell back?

1 KNATZ

2 A. I commanded him to stop. "Let me
3 see your hands, stop Thomas. "

4 Q. How long did this go on for?

5 A. A short period of time.

6 Q. This commanding and yelling?

7 A. A short period of time.

8 Q. How long; five seconds, ten seconds?

9 A. I didn't time it.

10 Q. While this was going on, what was
11 Officer Snelders doing, if anything?

12 A. I don't know.

13 Q. While this was going on, this yelling
14 and the commanding, where was your weapon? Where
15 was your gun?

16 A. Pointed right at Thomas Hartmann.

17 Q. Was it pointed at his head, body,
18 someplace else?

19 A. In his direction.

20 Q. After you saw Mr. Hartmann at the
21 scene, he was telling to you shoot him, did he say
22 anything else?

23 A. Yes, he did.

24 Q. What else did he say?

25 A. He called us "a bunch of fuckin'

1 KNATZ

2 pussies."

3 Q. Did he say anything else?

4 A. Repeated himself numerous times, same
5 things he was saying previously.

6 Q. To shoot him and you were a bunch of
7 fuckin' pussies?

8 A. "You better shoot me first before I
9 shoot you."

10 Q. As you were commanding him, did he
11 approach you or did you approach him?

12 A. He approached the police car.

13 Q. In what direction did he come in
14 relation to the police car, did he come toward it?

15 A. From east to west, toward it.

16 Q. Did he reach the police car?

17 A. Yes, he did.

18 Q. What part of the police car did he
19 eventually reach?

20 A. The front driver's side.

21 Q. Where were you at this point in time?

22 A. I was in the street.

23 Q. Where in the street were you?

24 A. On the passenger side.

25 Q. Did you go around the police car in

1 KNATZ

2 any direction at all as he approached? Did you go
3 to the front, the back, did you do anything?

4 A. Yes.

5 Q. What did you do?

6 A. I retreated and went backwards, got
7 closer to the police car.

8 Q. At this point in time with the
9 commanding and shouting going on, had you walked
10 up or moved up toward the front of the car?

11 A. At this point, the only time I took
12 steps toward the car was when I first exited the
13 police car.

14 Q. When you first exited the police car,
15 did you remain at or near the passenger side door
16 or did you move toward the front of the car or
17 something else?

18 A. I was in the street. I moved a short
19 distance eastbound. That would be to the front of
20 the car.

21 Q. Had you ever gone past the front of
22 the car?

23 A. No.

24 Q. You were at the front quarter panel?

25 A. I don't know exactly. Just a step or

1 KNATZ

2 two past the driver's -- the passenger's front
3 door.

4 Q. As Mr. Hartmann approached, what, if
5 anything, did you do?

6 A. As he approached the driver's side?

7 Q. Yes.

8 A. I ordered him to stop.

9 Q. What did he do?

10 A. He continued.

11 Q. Where was your weapon at this time?

12 A. Pointed at Thomas Hartmann.

13 Q. Did it remain pointed at him?

14 A. Yes.

15 Q. What, if anything, did you do next as
16 he approached the police car?

17 A. As he approached the driver's side?

18 Q. Correct.

19 A. I went back a little. I was at the
20 rear passenger's door window.

21 Q. Was your weapon still pointed at
22 Mr. Hartmann?

23 A. In his direction, yes.

24 Q. Was he standing up?

25 A. When he got to the driver's window?

1 KNATZ

2 Q. Yes.

3 A. He was down.

4 Q. He had kneeled down?

5 A. I don't know. I couldn't see his
6 lower body.

7 Q. Did you lose sight of him?

8 A. For parts of him, yes.

9 Q. Did you lose sight of him totally?

10 A. Totally, no.

11 Q. At the point as you were at the rear
12 passenger's side door outside of the police
13 vehicle, where was Mr. Hartmann?

14 A. At the front driver's side.

15 Q. Was he saying anything?

16 A. He was -- I could not make out what
17 he was saying.

18 Q. Did Officer Snelders say anything?

19 A. I do not know.

20 Q. Did you hear him say anything at all?

21 A. I do not know.

22 Q. Did you see him take any action,
23 Officer Snelders; did he move the car, did he open
24 his door, did he close the door? Did you see him
25 moving within the car?

1 KNATZ

2 A. Carl moved within the car, yes. The
3 actual car did not move.

4 Q. Where did you see him move within the
5 car?

6 A. Carl's top of his shoulders and head
7 were upright. They moved to the right and down.

8 Q. Do you know why he moved down?

9 A. Do I know why he moved down?

10 Q. Yes.

11 A. Because Thomas Hartmann ran up to the
12 driver's side window.

13 Q. How long did Mr. Hartmann remain at
14 the driver's side window?

15 A. A short period of time.

16 Q. How long?

17 A. I didn't time it.

18 Q. Where were you? Did you remain at
19 the rear passenger's side door the entire time
20 that Mr. Hartmann was at the front driver's side
21 door?

22 A. No.

23 Q. What did you do?

24 A. I crouched down, went around the back
25 of the police car.

1 KNATZ

2 Q. At some point in time did you reach
3 the driver's side of the police car?

4 A. Yes.

5 Q. Was Mr. Hartmann still at the
6 driver's side window?

7 A. Yes.

8 Q. Was your weapon still pointed at him?

9 A. At that time I had to repoint it at
10 him.

11 Q. So you repointed it at him?

12 A. Yes.

13 Q. Did you have a clear shot?

14 A. At that time?

15 Q. Yes.

16 A. Yes.

17 Q. Was there any response from
18 Mr. Hartmann when you came around, pointed your
19 weapon at him, had a clear shot?

20 A. Yes.

21 Q. What did he say, what did he do?

22 A. He backed up.

23 Q. He backed up to where?

24 A. Eastbound.

25 Q. Away from the patrol car?

1 KNATZ

2 A. Away from the patrol car.

3 Q. Back toward the Lexus?

4 A. He was not next to the Lexus. He was
5 in the middle of the road.

6 Q. What was he doing in the middle of
7 the road, if anything?

8 A. Still yelling at us to shoot him.

9 Q. Did he continue to have his hand in
10 his pants?

11 A. Yes.

12 Q. Did you continue in his direction?

13 A. No.

14 Q. What was your response, if anything?

15 A. My response?

16 Q. Yes.

17 A. I moved to the right.

18 Q. "The right" meaning back toward the
19 rear of the car or back toward the passenger's
20 side of the car?

21 A. Toward the right side of the roadway.

22 Q. Did you leave the area of the police
23 car at that point in time when Mr. Hartmann went
24 in the middle of the road?

25 A. No.

1 KNATZ

2 Q. Where did you go in relation to the
3 police car when Mr. Hartmann went into the middle
4 of the roadway?

5 A. To the right-hand side of the
6 roadway.

7 Q. Where were you in relation to the
8 police car; were you behind it, next to it, were
9 you close to it?

10 A. No, I was not.

11 Q. Where were you?

12 A. I was in the roadway.

13 Q. Were you toward the front of the car?

14 A. The car was in front of me and to my
15 left.

16 Q. Were you behind the Lexus?

17 A. After I got out of the middle of the
18 roadway, yes, I was to the rear of the Lexus.

19 Q. Was your weapon still pointed at
20 Mr. Hartmann?

21 A. At the rear of the Lexus?

22 Q. Yes.

23 A. No.

24 Q. Why not?

25 A. I could not see him.

1 KNATZ

2 Q. Why did you go to the rear of the
3 Lexus?

4 A. For cover and concealment.

5 Q. Where did you go? When did you next
6 see Mr. Hartmann?

7 A. The next time I saw Thomas Hartmann?

8 Q. Yes.

9 A. On the grass sidewalk area.

10 Q. What was he doing?

11 A. He was laying there.

12 Q. Had he been struck already?

13 A. Yes.

14 Q. As you were behind the Lexus were you
15 peeking around to see what Mr. Hartmann was doing?

16 A. As I was behind the Lexus?

17 Q. Yes. Could you see through the Lexus
18 windows?

19 A. No.

20 Q. Did you peek around to see what he
21 was doing?

22 A. I was looking eastbound.

23 Q. Did you see him?

24 A. I could not see him, no.

25 Q. Did you see him run at all?

1 KNATZ

2 A. No.

3 Q. Did you see Officer Snelders move the
4 police car at all?

5 A. I didn't physically look at Officer
6 Snelders move the police car, but was he driving,
7 and did the car move, absolutely.

8 Q. At some point in time the police car
9 moved from its stopped position where it initially
10 came to a stop at the scene on Allen, correct?

11 A. Yes.

12 Q. The next time that that car moved,
13 after it was at a full stop, where were you the
14 moment that car started moving again, the police
15 car?

16 A. I was on the rear driver's side.

17 Q. Can you describe the manner in which
18 the car was moving when it first started moving
19 again or when Officer Snelders first started
20 moving that car, as you were on the rear driver's
21 side?

22 A. It was moving slowly eastbound.

23 Q. At that point in time, where was
24 Mr. Hartmann?

25 A. Backing up. He was facing westbound

1 KNATZ

2 but backing up eastbound.

3 Q. Did you see Mr. Hartmann, if he was
4 in front of the Lexus at all?

5 A. No, I did not.

6 Q. As Mr. Hartmann was backing up, what
7 was the police car doing; was it moving forward?

8 A. It was moving eastbound.

9 Q. During this entire time that you were
10 out of the car at Allen, did you say anything to
11 Officer Snelders?

12 A. On Allen?

13 Q. On Allen, while you were at the
14 scene, from the time that you first got there
15 until the time that you saw Mr. Hartmann on the
16 ground?

17 A. Can you repeat that again?

18 (Whereupon, the referred to question
19 was read back by the Reporter.)

20 A. No, I did not.

21 Q. Did he say anything to you?

22 A. I do not know.

23 Q. Where was the police car when you
24 first went behind the Lexus?

25 A. The police car was in the roadway on

1 KNATZ

2 Allen going eastbound.

3 Q. At that point in time when you first
4 got behind the Lexus, where was Mr. Hartmann?

5 A. I don't know. I didn't see him.

6 Q. Where were you when you first lost
7 sight of Mr. Hartmann?

8 A. In the roadway on Allen.

9 Q. Where in relation to the Lexus and
10 the police car were you when you first lost sight
11 of Mr. Hartmann?

12 A. I was in the roadway behind the Lexus
13 moving right, which would be toward the south,
14 southeast.

15 Q. Toward the sidewalk?

16 A. Toward the corner of the Lexus.

17 Q. Which corner of the Lexus, toward the
18 passenger's side corner, rear corner?

19 A. Rear passenger's corner.

20 Q. What were you thinking at that point
21 in time when you were behind the Lexus?

22 A. When I was behind the Lexus?

23 Q. Yes.

24 A. I was thinking he was going to come
25 out somewhere from in front of the Lexus.

1 KNATZ

2 Q. Did you see him come out in front of
3 the Lexus?

4 A. No, I did not.

5 Q. Did you see Mr. Hartmann get hit by
6 the car?

7 A. No, I did not.

8 Q. Did you see the car continue forward,
9 the police car? You said it was moving slowly.

10 A. At what point?

11 Q. At some point in time you said the
12 police car was moving slowly forward, correct?

13 A. Eastbound, yes.

14 Q. While it was moving slowly forward,
15 is that when you moved from your position behind
16 the driver's side of the police car, to the rear
17 of the Lexus?

18 A. Yes.

19 Q. Did you see the police car continue
20 to move forward as you changed your position from
21 behind the police car to behind the Lexus?

22 A. No, I lost sight of the police car.

23 Q. Could you hear the police car
24 running, could you hear the engine going?

25 A. I don't recall.

1 KNATZ

2 Q. Do you know if the police car sped up
3 at all from the time that you lost sight of it
4 until you saw Mr. Hartmann on the ground?

5 A. I did not hear any speeding up, no.

6 Q. Did you hear the squeal of any tires,
7 the engine racing, from the time that the car
8 first started in motion again slowly, until the
9 time you saw Mr. Hartmann on the ground?

10 A. No engine noises, no speeding up,
11 just a thump.

12 Q. Where were you when you heard "a
13 thump"?

14 A. To the rear bumper on the passenger
15 side of the black Lexus.

16 Q. What direction did the thump come
17 from? Did it come from the sidewalk area, the
18 roadway or something else?

19 A. East of me.

20 Q. Which would be where?

21 A. Opposite. I am facing east, it would
22 be further from me, from where I was facing.

23 Q. In the area of the sidewalk where you
24 saw him laying or someplace else?

25 A. I heard a thump prior to seeing

1 KNATZ

2 Thomas Hartmann.

3 Q. Do you know what direction the thump
4 came from or you couldn't tell?

5 A. East.

6 Q. At some point in time the police car
7 came to rest on a lawn on Allen?

8 A. Yes.

9 Q. Did you see the police car travel at
10 all on Allen?

11 A. The police car passed right in front
12 of me.

13 Q. It did?

14 A. Yes.

15 Q. Where were you when the police car
16 passed in front of you, were you behind the Lexus?

17 A. At the corner of the black Lexus, on
18 the passenger's side rear.

19 Q. Where did it pass in front of you?
20 Where did you see it when it passed in front of
21 you on the sidewalk; was it more toward the houses
22 that are on Allen or someplace else?

23 A. It was on the grass and sidewalk.
24 Traveling south, southwest.

25 Q. Was it traveling at the same rate of

1 KNATZ

2 speed that you saw it before, roughly?

3 A. I didn't measure the speed. It was
4 traveling slow.

5 Q. Was it roughly the same rate of speed
6 as when you saw it going slowly in the roadway?

7 A. I didn't measure the speed. It was
8 slow.

9 Q. How far in front of you was the car
10 when it passed?

11 A. I didn't measure the distance of the
12 Lexus and Thomas Hartmann and then the car.

13 Q. So between you and the car and the
14 police car there was the Lexus, right?

15 A. Yes.

16 Q. You had some distance there?

17 A. The length of a Lexus, yes.

18 Q. You had some distance. Did the
19 police car cross in front of the Lexus?

20 A. I didn't see the police car cross in
21 front of the Lexus. I saw the police car on the
22 sidewalk and the grass.

23 Q. In order to get from the position
24 where you last saw the police car, until the place
25 where you saw the police car cross in front of

1 KNATZ

2 you, did it have to go across the front of the
3 Lexus?

4 A. Yes.

5 Q. Did the police car go across the
6 front of the Lexus, from what you could tell,
7 being there that evening?

8 A. Did it, yes. Did I see it, no.

9 Q. What distance separated the front of
10 the Lexus from the police car as you saw it cross
11 by the sidewalk?

12 A. I do not know.

13 Q. One car length, two car lengths,
14 something else?

15 A. I was not looking at the Lexus. I
16 was looking at Thomas Hartmann and the police car.
17 I couldn't tell you.

18 Q. Did you see Thomas Hartmann and the
19 police car at the same time as it crossed in front
20 of you by the sidewalk?

21 A. Yes.

22 Q. Did you see Thomas Hartmann standing
23 on the sidewalk or in some other position on the
24 sidewalk?

25 A. Was Thomas Hartmann in a position on

1 KNATZ

2 the sidewalk?

3 Q. Yes.

4 A. I saw Thomas Hartmann on the
5 sidewalk, yes.

6 Q. Did you see him before he got hit in
7 the area of the sidewalk?

8 A. No.

9 Q. When you heard a thump, where were
10 you looking?

11 A. I was looking east, slightly to the
12 south.

13 Q. In relation to the thump and from
14 when you next saw the police car, was it at or
15 about the same time?

16 A. Could you say that again?

17 Q. Did you hear the thump first then see
18 the police car, or did you see the police car then
19 hear the thump?

20 A. Thump, then the police car.

21 Q. How much time separated those two, or
22 was it at about the same time?

23 A. A short distance. A short time later
24 I saw the police car after the thump.

25

1 KNATZ

2 Q. A second, less than a second or you
3 can't tell?

4 A. I didn't time it.

5 MR. HANSEN: At this point in time
6 it is apparent that the reporting service
7 has another reporter coming at 2:00. It is
8 now 2:00. All parties and counsel have
9 agreed to break for lunch at this point in
10 time, to resume with the continued
11 deposition of the Police Officer Michael
12 Knatz, at or about 2:30 with the new
13 reporter from Diamond Reporting.

14

15

16

17 (Whereupon, at this time, the Court

18 reporter Kenneth Krinsky, was replaced by another

19 Court reporter, John Lugo.)

20

21

22

23

24

25

1 KNATZ

2 CONTINUATION EXAMINATION BY

3 MR. HANSEN:

4 Q. After you saw the police vehicle
5 cross in front of you, did you see it come to a
6 stop?

7 A. This is on Allen.

8 Q. On Allen, right.

9 A. It was in front of me, yes.

10 Q. Did you see it come to a stop?

11 A. No, I did not.

12 Q. What were you looking at at that
13 point in time after it passed in front of you?

14 A. Thomas Hartmann.

15 Q. How much time passed from the time
16 that the police vehicle passed in front of you
17 until the time that you saw Thomas Hartmann?

18 A. I saw Thomas Hartmann first. Then
19 the police vehicle.

20 Q. And you didn't see the police vehicle
21 hit him?

22 A. No, I did not.

23 Q. Where was Thomas Hartmann when you
24 last saw him before you heard the thump?

25 A. In the roadway on Allen.

1 KNATZ

2 Q. Where in the roadway?

3 A. Past, which would be east of his
4 driver's side door of his Lexus.

5 Q. So he was towards the front of the
6 Lexus?

7 A. He was east of the his front driver's
8 side door.

9 Q. Is that when you were at the rear
10 driver's side of the Lexus?

11 A. No.

12 Q. Where were you at that point in time?

13 A. In the roadway of Allen.

14 Q. How much time passed from the time
15 that you last saw him to the time you heard the
16 thump?

17 A. A short period of time.

18 Q. Do you know how much time? Seconds,
19 minutes, hours?

20 A. Seconds. I do not know how many
21 seconds.

22 Q. Did you ever see Thomas Hartmann in
23 the area where you found him on the sidewalk?

24 MS. O'NEILL: Note my objection to
25 form.

1 KNATZ

2 MR. HANSEN: Strike that.

3 Q. Where did you find Mr. Hartmann after
4 he had been struck?

5 A. Where did I see him?

6 Q. Right. Where was he positioned?

7 A. He was on the sidewalk on the grass.

8 Q. Where did you last see him before
9 that time, before he was on the sidewalk on the
10 grass?

11 A. In the roadway of Allen just east of
12 his driver's side door.

13 Q. Other than seeing him on the ground,
14 have you ever seen Mr. Hartmann standing up in the
15 area of the sidewalk on the grass?

16 A. No.

17 Q. When you first saw Mr. Hartmann on
18 the ground in the area of the sidewalk and on
19 grass, where was the police car?

20 A. When I saw Thomas Hartmann on the
21 sidewalk grass area?

22 Q. Right.

23 A. I do not -- the police car was behind
24 him.

25 Q. When you say "behind him," what do

1 KNATZ

2 you mean?

3 A. To the east of him. I would see him
4 and the car was behind him.

5 Q. Behind him?

6 A. Yes.

7 Q. So did you see Thomas Hartmann in the
8 area of the grass and see the police car in the
9 same area at or about the same time?

10 A. I saw Thomas Hartmann on the sidewalk
11 grass area and the police car passed behind him.

12 Q. When you saw him on the sidewalk
13 grass area, was he standing, laying or something
14 else?

15 A. He was lying.

16 Q. How close was the police vehicle that
17 you saw pass behind him?

18 A. I didn't measure. Pretty close.

19 Q. Did you see the police vehicle run
20 over his legs or either of his legs?

21 A. No, I did not.

22 Q. Do you know if the vehicle ran over
23 either of his legs?

24 A. No, I do not.

25 Q. When you saw the police vehicle pass

1 KNATZ

2 behind Mr. Hartmann, was it traveling at the same
3 slow rate of speed that you saw it traveling in
4 the roadway?

5 A. It was traveling slow.

6 Q. Would it be the same rate of speed
7 that you saw it traveling in the roadway?

8 A. I didn't measure the speed that it
9 was traveling in the roadway.

10 Q. Well, from the best that you can tell
11 as trained police officer, can you tell if the
12 speed had been roughly the same?

13 A. Both speeds were slow. I do not know
14 if they were the same.

15 Q. Could you estimate the speed of the
16 police car as it passed right by Mr. Hartmann when
17 he was in the sidewalk area?

18 A. No.

19 Q. As a police officer, are you trained
20 to estimate speeds on vehicles?

21 A. I have been trained, yes.

22 Q. What type of training did you have in
23 that type of ascertaining speeds?

24 A. A couple of hours.

25 Q. Have you issued summonses to

1 KNATZ

2 speeders?

3 A. Yes.

4 Q. And have you issued summonses to
5 speeders based upon your personal observations as
6 an expert?

7 A. I am not an expert, sir.

8 Q. Have you issued summonses to speeders
9 based upon your own personal observations?

10 A. Yes.

11 Q. Have you ever issued summonses to
12 speeders based upon only your own observations and
13 your estimates of their speed?

14 A. Yes.

15 Q. In other words, you've issued
16 summonses without the benefit of radar or any
17 other type of timing device; is that right?

18 A. Yes.

19 Q. On how many occasions have you done
20 that?

21 A. I could not tell you. I don't know.

22 Q. Is it something you do on a regular
23 basis as a police officer?

24 A. No.

25 Q. What about when you worked in the 5th

1 KNATZ

2 Precinct, did you issue summonses for speeding?

3 A. It was part of our duties. Not on a
4 regular basis.

5 Q. What about as part of your duties as
6 a BSO Officer, do you issue speeding summonses?

7 A. I do not recall issuing speeding
8 summonses recently.

9 Q. What about as a BSO Officer?

10 A. Recently being as a BSO Officer, it
11 is possible; I don't know.

12 Q. When you first saw Mr. Hartmann lay
13 on the grass area, sidewalk grass area, what did
14 you do next, if anything?

15 A. I approached him.

16 Q. Did you have your weapon drawn at
17 that time?

18 A. Yes, I did.

19 Q. Was it pointing at him?

20 A. Yes, it was.

21 Q. Was he saying anything as he was
22 laying positioned on the sidewalk grass area?

23 A. No.

24 Q. Was he moaning, crying, shouting
25 yelling, anything at all?

1 KNATZ

2 A. No.

3 Q. Any sounds coming from him
4 whatsoever?

5 A. No.

6 Q. As you approached him, what did you
7 see?

8 A. I saw Thomas Hartmann lying on the
9 sidewalk grass.

10 Q. How was he positioned on the sidewalk
11 grass? Was he on his front, on his side, on his
12 back or something else?

13 A. His right side he was lying on.

14 Q. Did you see any injuries? Did you
15 see any damage to any part of his body?

16 A. There was injuries to his legs.

17 Q. What did you see?

18 A. Blood.

19 Q. Did you see any broken bones?

20 A. No.

21 Q. Did you see any bones sticking out of
22 the skin?

23 A. No.

24 Q. Did you move Mr. Hartmann at all?

25 A. No.

1 KNATZ

2 Q. When did you take your gun off him?

3 A. When Officer Snelders approached him.

4 Q. And in relation to the time that you
5 first saw Mr. Hartmann laying on the sidewalk
6 grassy area, when did you next see Officer
7 Snelders?

8 A. As he approached us as we were on the
9 ground.

10 Q. Were you already near Mr. Hartmann
11 when Officer Snelders approached?

12 A. I was already at Mr. Hartmann, yes.

13 Q. What were you doing at Mr. Hartmann?
14 Were you searching him; were you talking to him?
15 What were you doing?

16 A. All of the above.

17 Q. Tell me what you did.

18 A. I went over to Thomas. I asked him
19 where the gun was. I had my left hand on his left
20 shoulder biceps area. And I held my gun in my
21 right hand pointed at him.

22 Q. When you saw him on the sidewalk
23 grassy area, where was his right hand?

24 A. I didn't see his right hand.

25 Q. When he was laying on the ground,

1 KNATZ

2 where was his right hand?

3 A. I don't know, I didn't see his right
4 hand.

5 Q. Did you see his body?

6 A. I saw his body from the left-hand
7 side.

8 Q. Now, when Officer Snelders came over
9 to you, did he say anything?

10 A. I said something to Karl.

11 Q. What did you say?

12 A. Do you have him.

13 Q. What did he say?

14 A. Yes.

15 Q. What else was said, if anything?

16 A. I didn't say anything.

17 Q. Did you say anything else to Officer
18 Snelders at the scene?

19 A. At what time.

20 Q. How long did you remain at the scene?

21 A. Several hours.

22 Q. Who was the next officer or police
23 department personnel to arrive at the scene?

24 A. I don't know.

25 Q. Did you speak with any other officers

1 KNATZ

2 at the scene concerning what had happened?

3 A. Yes.

4 Q. Who did you speak with first?

5 A. I don't remember. Uniform police
6 officers.

7 Q. From the 1st Precinct?

8 A. I don't know where they were from.

9 Q. Did you recognize any of the officers
10 at the scene?

11 A. No.

12 Q. Did any BSO officers arrive at the
13 scene?

14 A. Yes.

15 Q. Who arrived at the scene from BSO?

16 A. Sergeant John Carney (phonetic),
17 Lieutenant Mulrian. And there were numerous BSO
18 officers there. I do not remember exactly who.

19 Q. Did you have any conversations with
20 Sergeant Carney about what had happened?

21 A. Yes.

22 Q. And what did he say to you and what
23 did you say to him?

24 A. He asked me what happened.

25 Q. What did you tell him?

1 KNATZ

2 A. I told him we were in pursuit, which
3 he heard over the radio. And that we now needed a
4 helicopter to take Mr. Hartmann to the hospital.

5 Q. Was Mr. Hartmann handcuffed at the
6 scene?

7 A. I did not handcuff Thomas, no.

8 Q. Did you see him handcuffed at the
9 scene?

10 A. No, I did not.

11 Q. Did you have any conversations with
12 Officer Snelders at the scene about what had
13 transpired?

14 A. Yes.

15 Q. What did you say to each other?

16 A. I asked him what happened.

17 Q. What did he tell you?

18 A. Exactly?

19 Q. In sum and substance, what did
20 Officer Snelders tell you at the scene?

21 A. In sum and substance?

22 Q. Yes?

23 A. He had his hand in his pants and he
24 was reaching out; I thought he was going to shoot
25 me.

1 KNATZ

2 Q. Anything else?

3 A. He hit him with the car.

4 Q. Did Officer Snelders tell you if he
5 intended to hit Mr. Hartmann with the car?

6 A. Oh, he told me he hit him with the
7 car, yes.

8 Q. What else did he tell you? That was
9 your entire conversation with Officer Snelders?

10 A. That is what I recall.

11 Q. Nothing else was said between you
12 two?

13 A. Oh, I don't know if there was or not.
14 That is what I recall now.

15 Q. What was your conversation with
16 Lieutenant Mulrain?

17 A. He had asked me just like Sergeant
18 Carney had asked me what happened.

19 Q. Did you tell him the same thing you
20 just told me as far as what you told Sergeant
21 Carney?

22 A. Exactly, I don't remember. Sum and
23 substance, yes.

24 Q. Did you prepare any reports after
25 this happened?

1 KNATZ

2 A. I assisted in reports. I did not
3 personally prepare any, no.

4 Q. What reports did you assist in the
5 preparation of?

6 A. The arrest paperwork.

7 Q. Let's go back to the scene for a
8 couple of minutes. Did you speak with any other
9 officers at the scene, BSO officers or otherwise?

10 A. On Allen?

11 Q. On Allen.

12 A. I spoke with Lieutenant Mulrain. I
13 spoke with Sergeant Carney and I don't recall what
14 other bosses were there.

15 Q. What about Sergeant Stewart?

16 A. I do not remember.

17 Q. Did you speak at all with Crime Scene
18 while at the scene?

19 A. Yes.

20 Q. Who did you speak with from Crime
21 Scene?

22 A. I do not know his name.

23 Q. What time did you leave the scene?

24 A. I do not know.

25 Q. Did Crime Scene photograph the scene?

1 KNATZ

2 A. Yes, they did.

3 Q. Was it photographed in your presence?

4 A. Yes.

5 Q. Were you present when markers were
6 placed at the scene by the Crime Scene officers?

7 A. I was at the scene and I saw markers
8 at the scene. Did I watch people put them places,
9 no, but I knew they were doing that, yes.

10 Q. What conversations did you have with
11 the Crime Scene officer, if anything?

12 A. I don't recall.

13 Q. Now, Crime Scene is a detective
14 bureau?

15 A. They were detectives, yes.

16 Q. Did you ever advise the Crime Scene
17 detective regarding the placement of any markers
18 at the scene? Did you say, oh, a marker should go
19 here, a marker should go there, or this happened
20 here, this happened here?

21 A. Specifically?

22 Q. Specifically, right.

23 A. Specifically, no. Generally, I
24 believe he asked certain things and I gave him a
25 general area where certain things were, yes.

1 KNATZ

2 Q. Did you see Officer Snelders helping
3 the Crime Scene detective place the markers and
4 things like that?

5 A. Officer Snelders was there, Crime
6 Scene was there. I do not know if they were there
7 together placing markers.

8 Q. Who left the scene first, you or
9 Officer Snelders?

10 A. We left together.

11 Q. In what vehicle?

12 A. The same vehicle we arrived in.

13 Q. Where did you go from the scene?

14 A. We went back to Brower Avenue.

15 Q. Why did you go back to Brower?

16 A. Because that is where the pursuit
17 started and we had retraced the steps of the
18 pursuit reverse, so that would be the ending
19 point.

20 Q. Were you ordered or instructed to do
21 that?

22 A. I wasn't, no.

23 Q. Was Officer Snelders ordered or
24 instructed to do that?

25 A. I don't know.

1 KNATZ

2 Q. Whose idea was it to retrace the
3 steps?

4 A. I don't know. I don't know if
5 Officer Snelders was ordered or we just said we
6 have to retrace the steps because they are going
7 to ask us later the exact streets and we did it.

8 Q. As you were retracing the steps, did
9 you speak to Officer Snelders about what had
10 happened?

11 A. No.

12 Q. Nothing was said about what just had
13 happened?

14 A. As far as what?

15 Q. What happened on Allen.

16 A. Generally, the whole situation?

17 Q. The whole situation.

18 A. Yes.

19 Q. What did he say to you and what did
20 you say to him?

21 A. I can't tell you exactly.

22 Q. Can you tell me generally?

23 A. We just talked about this is where
24 the pursuit; this is where he went through the
25 stop sign; this is where he almost hit the car on

1 KNATZ

2 Foxhurst. Just general stuff. Specifically, I
3 don't remember.

4 Q. At some point in time after you
5 retraced your steps, where did you go next, if
6 anywhere?

7 A. To the 7th Precinct.

8 Q. Why did you go to the 7th?

9 A. That's where they were processing the
10 paperwork for the arrest.

11 Q. Who was in charge of the scene at
12 Allen, what officer?

13 A. I don't know.

14 Q. Was it BSO that was in charge of the
15 scene? Was it the 7th? Was it Crime Scene that
16 was in charge? Who ran the show over there?

17 A. I don't know.

18 Q. Who was the highest ranking officer
19 that you were aware of at the scene?

20 A. Lieutenant Mulrain. I don't know if
21 there was somebody of a higher rank there other
22 than him. It's possible. I don't know.

23 Q. Were you interviewed by any officers
24 at the scene, whether it be Crime Scene,
25 lieutenant or the sergeant?

1 KNATZ

2 A. No.

3 Q. Were you interviewed by Inspector
4 Turk at any point in time?

5 A. Yes.

6 Q. When were you interviewed by
7 Inspector Turk?

8 A. Exactly, I don't know. Sometime
9 during the evening hours of March 12th.

10 Q. Where did that occur?

11 A. In the 7th Precinct.

12 Q. Were you interviewed in the presence
13 of Officer Snelders or separately?

14 A. Separately.

15 Q. And what did you tell then Deputy
16 Inspector Turk?

17 A. He asked me what happened and I
18 explained the course of events that transpired.

19 Q. Were you interviewed by anybody else
20 concerning this incident other than Deputy
21 Inspector Turk?

22 A. That would depend on what you mean by
23 interview.

24 Q. Anybody else ask you what happened,
25 ask you questions?

1 KNATZ

2 A. Sure.

3 Q. Who else?

4 A. Lieutenant Mulrain.

5 Q. Okay.

6 A. Sergeant Carney.

7 Q. Okay.

8 A. Sergeant Demartinez (phonetic).

9 Q. That's a detective sergeant at the
10 7th?

11 A. I believe he's detective sergeant,
12 yes. Detectives at the 7th?

13 Q. What detectives?

14 A. I don't know them. I don't know who
15 they are.

16 Q. If I told you Detective Franklin,
17 would that refresh your recollection?

18 A. Franklin was one of them, yes.

19 Q. Anybody else?

20 A. Yes.

21 Q. Do you know their names?

22 A. No.

23 Q. Did you prepare or give any written
24 statements?

25 A. No.

1 KNATZ

2 Q. Do you know if Officer Snelders give
3 or prepare any written statements about what had
4 transpired?

5 A. I don't know.

6 Q. Now you say you assisted in the
7 preparation of paperwork and reports. What did
8 you assist in?

9 A. The detectives would ask us questions
10 and we would answer them.

11 Q. And do you know if Officer Snelders
12 prepared any arrest or other reports?

13 A. I know he assisted. I do not know if
14 he prepared anything.

15 Q. What is involved or what reports are
16 prepared after an arrest?

17 A. Involved how?

18 Q. What forms or reports do you prepare
19 after an arrest?

20 A. That would be depend.

21 Q. In this case what was prepared?

22 A. All the arrest paperwork.

23 Q. What did that consist of?

24 A. That would consist of an arrest
25 report; all pedigree information on the arrestee;

1 KNATZ

2 crime report; case report; court information. In
3 this case it would be an impound of the vehicle.

4 Q. Anything else?

5 A. It's possible.

6 Q. Did you ever see the deadly force
7 report prepared by then Deputy Inspector Turk?

8 A. No.

9 Q. Do you know if Officer Snelders saw
10 that report?

11 A. I do not know.

12 Q. Do you know who prepared the court
13 information on this case?

14 A. No.

15 Q. I'm going to show you what was marked
16 as Plaintiff's Exhibit 26 on May 18, 2005. Would
17 you please take a look at that document. And if
18 you could read it, that would be great. Have you
19 looked at the document?

20 A. Yes, I have.

21 Q. Have you seen that document before
22 today?

23 A. Yes.

24 Q. What is that document?

25 A. This document is district court

1 KNATZ

2 information, commonly known as court information.

3 Q. Do you know who prepared that
4 document?

5 A. It says prepared by 5815 A-R-C-H-E.
6 I don't know who that is.

7 Q. If I tell you it's Detective Archer,
8 does that help you?

9 A. If you say so. I don't know who that
10 is. I don't know that number and it's a partial
11 name. I don't know who that is.

12 Q. What is the purpose of the court
13 information?

14 A. Sworn in a complaint for a criminal
15 matter to court.

16 Q. Who swears in the complaint? Who
17 provided the information for that information?

18 MS. O'NEILL: For this one?

19 MR. HANSEN: That particular court
20 information, right.

21 MS. O'NEILL: Do you know who
22 provided the information for this document?

23 THE WITNESS: Word for word, I don't
24 know. It would come from Officer Snelders
25 and myself.

1 KNATZ

2 Q. Did you speak with the preparing
3 officer that you just identified there?

4 A. I didn't identify him. I don't know
5 who it is.

6 Q. You just give an ID number and a
7 partial name.

8 A. Yes, that's what it says here, yes.
9 I don't know who that is.

10 Q. Do you know if you spoke with him at
11 all?

12 A. I don't know who that is.

13 Q. Let me show you what was marked as
14 Plaintiff's Exhibit 1 back on May 18th. Have you
15 seen that document before?

16 A. Yes. Not this exact one, but I saw
17 one similar. It didn't have these holes in it.

18 Q. When did you see that for the last
19 time, most recently?

20 A. I saw this yesterday.

21 Q. The first time you saw that was
22 yesterday?

23 A. Yes.

24 Q. Do you know what that scene depicts
25 in that document?

1 KNATZ

2 A. Is says location in front of 454
3 Allen Avenue, Oceanside.

4 Q. Now there is a diagram of different
5 vehicles in that document, correct?

6 A. By vehicles do you mean the
7 rectangles with the triangles on them?

8 Q. Right. Do you understand those to
9 represent vehicles?

10 A. This one says parked vehicles not
11 included.

12 Q. Okay.

13 A. This one doesn't say anything. This
14 one has a V-1 on it. This one has V-2-D-C-R-M-P.

15 Q. Do you know what those symbols mean?

16 A. R-M-P would be radio motor patrol.

17 Q. Do you know if that's a diagram of
18 the scene of the incident that occurred in this
19 case?

20 A. I'm not exactly sure what you're
21 asking. Is this the area of where it happened and
22 is this -- if you're telling me these are cars,
23 yeah, they're cars. I don't understand exactly
24 what you're asking.

25 Q. Do you understand what this diagram

1 KNATZ

2 is? Do you know how to read it?

3 A. Not really, no.

4 Q. I'm going to show you what has been
5 marked as Plaintiff's Exhibit 30 on May 18th.

6 Could you read that document, please. Do you know
7 what that document is?

8 A. This is part of a case report.

9 Q. What is the purpose of a case report?

10 A. The purpose of a case report is to
11 generally document what happened for a particular
12 incident.

13 Q. Who prepared this case report?

14 A. Who prepared this case report?

15 Q. Right.

16 A. Well, I'm not really sure. It says
17 printed by --

18 MS. O'NEILL: Don't guess. Do you
19 know who prepared this document?

20 THE WITNESS: No, I do not.

21 Q. Does this document have certain
22 narrative portions?

23 A. Yes, it does.

24 Q. Do you have the part of the document
25 that has a date stamped number 1689 on the bottom?

1 KNATZ

2 Do you see that page of the document?

3 A. Yes, I do.

4 Q. You see in that document it has a
5 narrative description beginning with BSO officers?
6 Do you see that?

7 A. Yes.

8 Q. Can you tell from this document who
9 prepared that narrative?

10 A. No.

11 Q. When it says preliminary written by
12 5912 S-T-E-W-A, does that tell you anything?

13 A. Yes, I believe that's a serial number
14 for Sergeant Stewart who works for BSO.

15 Q. Does that have any significance that
16 it says written by 5912 S-T-E-W-A? Does that have
17 any meaning in relation to that narrative that
18 begins with BSO officers on bates number 1689?

19 A. A significance how?

20 Q. Does it tell you who wrote the
21 narrative?

22 A. Well, it says written by.

23 Q. It says written by. Does that
24 indicate or does that tell you that Sergeant
25 Stewart wrote that narrative?

1 KNATZ

2 A. All I could tell you is that's what
3 it says.

4 Q. Does that mean that Sergeant Stewart
5 wrote the narrative?

6 A. I don't know.

7 Q. I'm going to show you what has been
8 marked as Plaintiff's Exhibit 28 for
9 identification on May 18, 2005. Have you seen
10 that document before today?

11 A. Yes.

12 Q. When did you last see that document?

13 A. I believe, and I'm not sure of the
14 exact date, it was sometime early summer of last
15 year.

16 Q. Under what circumstances did you see
17 that document?

18 A. In Criminal Court.

19 Q. Did you know who prepared the
20 narrative that's on that document?

21 A. No, I do not.

22 Q. Does it say written by?

23 A. It says written by 6760.

24 Q. Who is that?

25 A. That would be Karl Snelders' serial

1 KNATZ

2 number.

3 Q. Can you tell me the process under
4 which a report like this is prepared? Is it
5 dictated by the officer? Is it typed?

6 A. This particular one?

7 Q. Right, that one there.

8 A. I don't know.

9 Q. What is the practice and procedure of
10 preparing these reports? Is it dictated to
11 somebody? Is it typed? How are these reports
12 prepared?

13 A. They are prepared in different ways.

14 Q. What are the different ways they are
15 prepared?

16 A. Over the phone to a CB operator by
17 the detectives or by a desk officer. Sometimes by
18 a police officer.

19 Q. You have no idea how this one was
20 prepared?

21 A. No, I do not.

22 Q. Were you present while any of the
23 arrest paperwork was prepared?

24 A. Yes.

25 Q. What paperwork were you present for?

1 KNATZ

2 A. I was present in the 7th squad for
3 most of the night when the arrest paperwork was
4 being prepared.

5 Q. Did you contribute or participate in
6 providing information for the preparation of
7 arrest paperwork?

8 A. Yes.

9 Q. Were you present when any of the
10 paperwork was typed or prepared?

11 A. Yes.

12 Q. What were you present for when it was
13 typed or prepared, what paperwork?

14 A. The arrest paperwork.

15 Q. What particular documents?

16 A. Specifically, I can't say.

17 Q. The information that went into the
18 arrest documents, did that come from you?

19 A. I was asked about it, yes.

20 Q. Isn't it true that the only two
21 sources of the information for the arrest
22 paperwork, in particular the narratives as to what
23 happened, came from either you or Officer Snelders
24 or both?

25 A. Both of us contributed, yes.

1 KNATZ

2 Q. There is no other officers or anybody
3 else giving information as to what transpired that
4 evening, is there?

5 MS. O'NEILL: At what point?

6 MR. HANSEN: At any point in the
7 preparation of the arrest paperwork.

8 Q. Everything came from either you or
9 Officer Snelders, correct?

10 MS. O'NEILL: Note my objection to
11 the form of the question.

12 A. It could come from other people.

13 Q. Who else would contribute to
14 providing information as to what transpired when
15 Mr. Hartmann was struck by the car? You said it
16 could come from other people. Who are they?

17 A. Are you asking me specifically about
18 when Mr. Hartmann was struck by the car?

19 Q. I'm talking about, who would of
20 provided other information that appears in the
21 narratives of any of this police paperwork, the
22 arrest paperwork?

23 A. That would be different people.

24 Q. Who would those different people be?

25 A. I don't know who wrote this. I

1 KNATZ

2 couldn't tell you.

3 Q. The information came from somebody.
4 I'm not talking about the person who authored the
5 reports or happened to write them up. Where did
6 the raw or basic information come from that formed
7 the basis of these reports?

8 A. That would come from Officer Snelders
9 and myself and possibly others.

10 Q. Who were the others?

11 A. I don't know.

12 Q. I'm going to show you a photograph
13 that was marked on May 15, 2005 as Plaintiff's
14 Exhibit 21. I'd like you to take a look at that
15 photo. Do you recognize what is shown in that
16 photograph?

17 A. This is a photograph of Allen in
18 Oceanside.

19 Q. Was that one of the photographs that
20 was taken by Crime Scene on the night of the
21 incident?

22 A. Well, it's got a sticker on the back
23 and a number. I don't know what that correlates
24 to. I don't know if crime scene took this
25 picture, but it is of the area we were at on March

1 KNATZ

2 12th.

3 Q. Is there anything different in that
4 photograph as opposed to how the area appeared at
5 the time of the incident involving Mr. Hartmann?

6 A. Sure.

7 Q. What's different?

8 A. Mr. Hartmann is not laying here.

9 Q. What else?

10 A. This yellow marker was not there.

11 Q. Okay. Indicating the yellow marker
12 on the right-hand side of the photograph, correct?

13 MS. O'NEILL: Designated by a number
14 one.

15 A. This yellow Crime Scene tape was not
16 there. This police car was not on the corner.

17 MS. O'NEILL: Indicating the marked
18 police vehicle to the left of the
19 photograph.

20 Q. Does it show the layout or the
21 positioning of the vehicles right after
22 Mr. Hartmann was struck and the vehicles came to
23 rest?

24 A. I didn't see Mr. Thomas Hartmann --
25 what was the question? I'm sorry.

1 KNATZ

2 MS. O'NEILL: Just note for the
3 record that I don't think there was an
4 answer to the question because we were
5 interrupted by Mr. Hansen's cell phone.

6 Q. In reference to this photograph,
7 where was Mr. Hartmann when you saw him laying on
8 the ground? And you can put an "H" with my pen
9 for Hartmann.

10 A. When I saw Thomas lying on the
11 ground?

12 Q. Right.

13 A. In that area right there.

14 Q. Great. Now put a "P" for where you
15 saw the police car as it passed by Mr. Hartmann.

16 A. The police car meaning this police
17 car right here?

18 Q. The police car, the radio motor
19 parole car where it was --

20 A. It's a BSO car.

21 Q. Oh, I saw it in the police paperwork
22 as RMP 921; is that incorrect?

23 A. They may label it that way. We call
24 it a BSO car.

25 Q. Inspector Turk calls it RMP. Is it

1 KNATZ

2 RMP or a BSO car?

3 A. I don't know what Inspector Turk
4 calls it. I call it BSO car.

5 Q. Does that BSO car have a designation?

6 A. 921.

7 Q. So it's BSO 921?

8 A. That's what I call it.

9 Q. Where was BSO 921 when you saw it
10 pass Mr. Hartmann while he was in the sidewalk
11 grassy area? You can put a "P" where you saw that
12 passing.

13 A. Well, that would be behind him.

14 Q. So you have put a "P" on Plaintiff's
15 Exhibit 21 where you saw the patrol car or the BSO
16 -- we'll just call it vehicle 921, where it passed
17 Mr. Hartmann when you saw him on the ground,
18 right?

19 A. Well, this is the general area.

20 Q. Generally.

21 A. It's hard to tell because we are not
22 physically standing there. It's a photo of a
23 certain angle. I'm just giving you that general
24 area, yes.

25 Q. Can you read the number in the back

1 KNATZ

2 of the photograph you just marked?

3 A. It appears to be four zeros and a
4 thirty-eight.

5 Q. I'm going to ask you to do the same
6 thing on Plaintiff's Exhibit 17. Put an "H" where
7 you saw Mr. Hartmann when he was laying on the
8 sidewalk and you can put a "P" where you saw the
9 patrol car.

10 A. (Witness marking exhibits).

11 Q. So you have now marked Plaintiff's
12 Exhibit 17 dated 5-18-05, bates number 00029 with
13 an "H" where you saw Mr. Hartmann and a "P" where
14 you saw the patrol car at the moment you saw the
15 patrol car pass Mr. Hartmann while he was in the
16 sidewalk area; is that right Officer?

17 A. That is the approximate area.

18 Q. Did you see Mr. Hartmann moving at
19 all when he was on the ground?

20 A. He was moving his head.

21 Q. Was he moving any part of his body
22 other than his head?

23 A. Not that I noticed.

24 Q. Was he able to stand, walk or crawl
25 that you could see?

1 KNATZ

2 A. Was he able? I do not know if he was
3 able.

4 Q. Did you see him walk, stand or crawl?

5 A. He did not walk, stand or crawl.

6 Q. When you saw him at the scene when
7 you first went over to him, was he conscious?

8 A. Yes.

9 Q. Did he look at you that you could
10 see? Did you make eye contact with him?

11 A. Yes.

12 Q. Did you attempt to comfort him at
13 all?

14 A. Yes.

15 Q. What did you do to comfort him?

16 A. I told him everything was going to be
17 all right; don't look at his legs. We have an
18 ambulance coming, they'll take care of you.

19 Q. Did Lieutenant Mulrain interview you
20 at the scene?

21 A. I spoke with Lieutenant Mulrain. I
22 don't know if it was an interview.

23 Q. Did he take notes?

24 A. Not that I saw.

25 Q. In connection with this case, did you

1 KNATZ

2 ever speak with the assistant district attorney
3 about your testimony in the Grand Jury?

4 A. Assistant district attorney who?

5 Q. Any of them. How many ADAs have you
6 spoken with about this case?

7 A. Kyle Rose (phonetic) was at Grand
8 Jury. I spoke with her, yes.

9 Q. And what did you say to her, if
10 anything?

11 A. Exactly?

12 Q. In sum and substance.

13 A. Sum and substance, she asked me what
14 happened and I told her.

15 Q. In connection with this particular
16 incident on May 12, 2004, did you review any
17 drafts of any reports, any drafts of the deadly
18 force report, any drafts of any arrest reports,
19 any drafts or preliminary versions of any court
20 informations or any other documents?

21 MS. O'NEILL: Other than what he has
22 already testified about?

23 MR. HANSEN: No.

24 Q. I'm asking if you looked at any
25 preliminary drafts of any of the documents that

1 KNATZ

2 you just mentioned.

3 A. I don't know exactly what you mean by
4 that. During the course of processing an arrest
5 there will be partial narratives, partial
6 addresses, partial numbers on a report. And in
7 passing, did I see parts of documents? Yes.

8 Q. Did you take any notes in relation to
9 what happened on March 12, 2004?

10 A. No.

11 Q. Do you have any records whatsoever
12 concerning the incident that you generated, made
13 or kept?

14 A. I have -- I don't know what it's
15 called, something I got from the attorneys that I
16 was being sued.

17 Q. Do you prepare any paperwork or keep
18 any records at all concerning Mr. Hartmann or the
19 incident of May 12, 2004?

20 A. I assisted the detectives. I did not
21 prepare it.

22 Q. Did you keep any of your own
23 handwritten notes? Do you have any photographs or
24 other information or documents concerning what
25 transpired on May 12, 2004?

1 KNATZ

2 A. No.

3 Q. Have you consulted with a personal
4 attorney other than speaking with the attorneys
5 for the county?

6 A. No.

7 THE WITNESS: I have a question for
8 you.

9 MR. HANSEN: Would you like me to
10 step out?

11 MS. O'NEILL: No, I'll go out with
12 you.

13 (Whereupon, a brief recess was
14 taken.)

15 Q. Had you ever met Thomas Hartmann
16 before March 12th?

17 A. No.

18 Q. Do you know if there was any damage
19 to vehicle 921 as a result of Mr. Hartmann being
20 struck?

21 A. I do not know if there was.

22 Q. Did Mr. Hartmann have any type of
23 weapon or gun on him at the scene?

24 A. No, he did not.

25 Q. Was a canvas done of the scene?

1 KNATZ

2 A. Yes.

3 Q. What did that canvas consist of?

4 A. Members of the Nassau County Police
5 Department knocking on doors.

6 Q. Did that turn up anything?

7 A. I don't know.

8 Q. Do you know of any witnesses to the
9 incident involving Mr. Hartmann over on Allen?

10 A. There was a witness, yes.

11 Q. Who was the witness?

12 A. I don't know her name.

13 Q. Where was the witness located,
14 approximately?

15 A. On Allen.

16 Q. Was it one of the residence of Allen?

17 A. I believe it was the corner house.

18 Q. Did you ever speak with the witness?

19 A. No.

20 Q. Do you know who did?

21 A. No.

22 Q. How did you become aware that there
23 was a witness to what had happened?

24 A. I don't recall exactly.

25 Q. Did you ever see any witness

1 KNATZ

2 statements?

3 A. No.

4 Q. Did you ever discuss with the
5 assistance district attorney the fact that there
6 was a witness?

7 A. I don't recall.

8 MR. HANSEN: I have nothing further.
9 Thank you.

10 MS. O'NEILL: Counsel would just
11 request that copies of the transcript that
12 you get for Police Officer Knatz be
13 provided to us from all the different
14 sources of the court reporters today, as
15 well as all copies of all the transcripts
16 for the witnesses that were deposed last
17 week, Inspector Turk and Officer Snelders.

18 (Whereupon, at 3:56 p.m., the
19 Examination of this Witness was concluded.)

20

21 _____
MICHAEL KNATZ

22 Subscribed and sworn to before me
23 this _____ day of _____, 2005.
24

25 _____
NOTARY PUBLIC

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KNATZ

C E R T I F I C A T E

STATE OF NEW YORK)

: SS.:

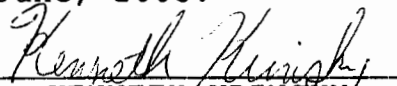
COUNTY OF KINGS)

I, KENNETH KRINSKY, (Pgs:1-108,151),
a Notary Public for and within the State of New
York, do hereby certify:

That the witness whose examination is
hereinbefore set forth was duly sworn and that
such examination is a true record of the testimony
given by that witness.

I further certify that I am not related to
any of the parties to this action by blood or by
marriage and that I am in no way interested in the
outcome of this matter.

IN WITNESS WHEREOF, I have hereunto set my
hand this 13th day of June, 2005.


KENNETH KRINSKY

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C E R T I F I C A T E

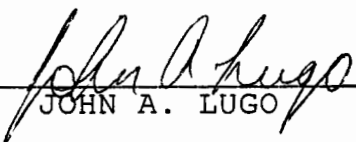
STATE OF NEW YORK)
 : SS.:
COUNTY OF KINGS)

I, JOHN A. LUGO, (Pgs.:109-150,152), a
Notary Public for and within the State of New
York, do hereby certify:

That the witness whose examination is
hereinbefore set forth was duly sworn and that
such examination is a true record of the testimony
given by that witness.

I further certify that I am not related to
any of the parties to this action by blood or by
marriage and that I am in no way interested in the
outcome of this matter.

IN WITNESS WHEREOF, I have hereunto set my
hand this 13th day of June, 2005.



JOHN A. LUGO